

manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5740. Also, petition of William E. Roop and 16 other citizens of Westminster, Md., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5741. Also, petition of Blanche Matron and 20 other citizens of Watervliet, Mich., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5742. Also, petition of Eunice Lee Smith and 18 other citizens of Hanford, Calif., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5743. Also, petition of Jennie Collins and 43 other citizens of Mount Vernon, Ill., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5744. Also, petition of J. A. Lawrence and 18 other citizens of Baltimore Md., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5745. Also, petition of Richard Ennis and 22 other citizens of Chance, Md., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5746. By Mr. CANFIELD: Resolution adopted by the borough of North Haledon, county of Passaic, N. J., endorsing Senate bill 1737 sponsored by Senator HAWKES, of New Jersey, providing for certain payments to States and their political subdivisions as compensation for loss of revenues occasioned by the acquisition of real property by the United States for military purposes; to the Committee on Military Affairs.

5747. By Mrs. NORTON: Petition of the Polish Council of Bayonne, N. J., petitioning the Government and the Congress of the United States to use their fullest influence and authority to the end that Poland may be accorded justice and freedom; to the Committee on Foreign Affairs.

5748. By Mr. THOMAS of New Jersey: Petition of boroughs of Glen Rock, Passaic, Washington, Sussex, Milford, township of Hardyton and the Board of Chosen Freeholders of Bergen County, N. J., endorsing the measures now pending in the United States Senate known as Senate bill 1737; to the Committee on Banking and Currency.

SENATE

THURSDAY, MAY 25, 1944

(Legislative day of Tuesday, May 9, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, whose handiwork the earth showeth, the centuries casting their shadows on the dial of eternity, where a thousand years are but as yesterday when it is past but record the slow yet steady attainment of Thy purpose in a universe whose heart is love: Thou hast made man so that in Thy image he may read Thy thoughts after Thee. It is Thou who hast put the golden key of invention and discovery in his searching hand with the promise which is a prophecy: "Thou shalt have dominion." At Thy bidding he has harnessed the mystic energy which, untamed, shatters and stabs with its forked sword; and, lo, as the servant of man's desire speeding his thoughts across the mocking miles, it whispers, "What hath God wrought!" So on the wings of the lightning soundeth Thy word. Thou dost cause even the spiteful wrath of man to praise Thee. The wonders man's mind hath wrought, which, without the reign of Thy will, tear and destroy, become the messengers of brotherhood and of an understanding which encircles the earth as it spells out the accents of good will.

Bring us to a golden tomorrow when the instrumentalities that now destroy shall be the channels of health and healing, when redeemed generations living in peace and plenty shall lift up the grateful paean of praise, "What hath God wrought!" We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., May 25, 1944.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ELMER THOMAS, a Senator from the State of Oklahoma, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. THOMAS of Oklahoma thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday May 23, 1944, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4559) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1945, and additional appropriations therefor for the fiscal year 1944, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHEPPARD, Mr. THOMAS of Texas, Mr. COFFEE, Mr. WHITTEN, Mr. PLUMLEY, Mr. JOHNSON of Indiana, and Mr. PLOESER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4102. An act to extend for 1 additional year the reduced rate of interest on Land Bank Commissioner loans;

H. R. 4184. An act to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic; and

H. R. 4861. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1945, and for other purposes.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by Local No. 639, U. A. W. (C. I. O.), of Flint, Mich., favoring the appropriation of \$585,000 to finance the F. E. P. C. for another year; to the Committee on Appropriations.

A resolution adopted by Local No. 465, Protective Order of Dining Car Waiters, of Los Angeles, Calif., favoring extension of the Emergency Price Control Act; to the Committee on Banking and Currency.

Resolutions adopted by United Cannery Packing and Food Preservers Local No. 7-2, (C. I. O.), of Seattle, and the Tacoma and Pierce County Industrial (C. I. O.) Union Council, of Tacoma, both in the State of Washington, favoring the extension and improvement of the Emergency Price Control Act; to the Committee on Banking and Currency.

A resolution adopted by Journeymen Barbers Union, No. 295, of Los Angeles, Calif., favoring the maintenance of ceiling prices and the continuance of the O. P. A. program and endorsing the resolutions adopted by the cost-of-living conference held at Los Angeles, Calif., on April 2, 1944, relating to renewal of the Emergency Price Control Act and support of the O. P. A. subsidy program; to the Committee on Banking and Currency.

Resolutions adopted by United Cannery Packing and Food Preservers Local No. 7-2 (C. I. O.), of Seattle, and Tacoma and Pierce County Industrial (C. I. O.) Union Council, of Tacoma, both in the State of Washington, and the San Diego County Federated Trades and Labor Council, of San Diego, Calif., favoring the adoption of measures to establish a Nation-wide broadcast of congressional proceedings; to the Committee on Rules.

By Mr. WEEKS:

Petitions of sundry citizens of Massachusetts, praying for the enactment of the bill

(S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States; to the Committee on Military Affairs.

By Mr. TYDINGS:

A resolution adopted by the national board of the Ancient Order of Hibernians in America and its ladies' auxiliary at New York City, N. Y., favoring removal of the political boundary dividing Northern and Southern Ireland and urging relief for Ireland from measures taken because of alleged violation of her neutrality; to the Committee on Foreign Relations.

RESOLUTIONS BY BOARD OF DIRECTORS OF ILLINOIS MANUFACTURERS' ASSOCIATION—LABOR POLICIES

Mr. BROOKS. Mr. President, I request unanimous consent for publication in the CONGRESSIONAL RECORD and appropriate reference thereof of resolutions adopted by the board of directors of the Illinois Manufacturers' Association.

In view of the numerous strikes that are being reported daily and the inquiry into the seizure of the Chicago and Springfield property of Montgomery Ward & Co., these resolutions are timely and deserving of the consideration of the Congress.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY BOARD OF DIRECTORS, ILLINOIS MANUFACTURERS' ASSOCIATION, RE SEIZURE OF CHICAGO PROPERTY OF MONTGOMERY WARD & CO., APRIL 26, 1944

Whereas recently, in the city of Chicago, Ill., where the courts, both State and Federal, were functioning and commanded the respect and support of the people, and where ample and efficient police forces were available to carry out the mandates of these courts, the head of the legal branch of the executive department of the Federal Government disdained to employ due process of law and, in disregard of the rights of all citizens, used the ruthless methods of martial law to enforce an Executive order: Now, therefore, be it

Resolved, That the directors of the Illinois Manufacturers' Association hereby express their condemnation of such unprecedented and high-handed procedure and call upon the Congress to take such action as will make impossible future outrages of this character. We further urge that the Congress by appropriate means hold accountable those responsible for this violation of the rights of the citizens and of the letter and spirit of the fundamental charter of our liberties.

RESOLUTION ADOPTED BY BOARD OF DIRECTORS, ILLINOIS MANUFACTURERS' ASSOCIATION, RE POLICY OF WAR LABOR BOARD ON UNION MAINTENANCE AND UNION SECURITY

Whereas under date of May 9, 1942, the board of directors of the Illinois Manufacturers' Association approved and issued the following statement:

"The War Labor Board has issued several decisions ordering the firms involved to incorporate the so-called union-security and union-maintenance provisions in contracts with organized labor groups. We believe that the inevitable result of these decisions will be to impose the closed shop and the un-American check-off upon the employers and employees involved.

"Under these decisions, the employer is in effect ordered to join with union leaders to require workers to produce a union card and pay dues as a condition of employment in the production of war materials.

"The wrongfulness of requiring workmen to belong to any organization or to pay tribute to any person or group as a condition precedent to the right to work is entirely clear.

"We believe that the overwhelming majority of persons in all walks of life share the conviction that as a matter of principle, workmen should not be required to support a union as the price of being permitted to continue to produce vital war materials for the Army and the Navy.

"However, the primary test which should be applied to the propriety of these decisions of the War Labor Board is whether they will help win the war, whether they will expedite war production.

"In our opinion, these decisions will not help win the war. On the other hand, we believe that the ultimate effect of these decisions will be a serious deterrent to the war effort. These decisions will, we submit, incite labor union organizers in war-production plants throughout America to raise the union-shop or the closed-shop issue in those plants, to agitate to the point of endangering war-materials production, and thus to force that issue into the hands of the War Labor Board, whence they may reasonably expect to get the camouflaged closed shop in the name of union security or union maintenance.

"This campaign of organized labor leaders to get the closed shop and the check-off will spread rapidly. Many industrial executives from this State, who should be devoting their time to the vital problem of war production, are already required to divert their time and energies to this closed-shop issue. Many executives of Illinois industry, engaged in war production, will be obliged to spend much time before the War Labor Board.

"The practical effect of any device which will force the closed shop upon the war industries of America will be to take away from American workmen and from American management the control over the production of the armaments, munitions, and materials essential to the prosecution of the war.

"A general closed shop will vest in the labor unions and the labor-union leaders practically complete domination and control over the workmen and the war industries of America.

"The serious threat to our war production program involved in this issue will be immediately clear to anyone who is familiar with the realities of employment relations.

"The only adequate answer to this problem is the prompt passage by Congress of a measure which will prohibit any agreement requiring any employee to belong to any organization as a condition of employment in the production of any war materials.

"Congress, and only Congress, can meet this threat to our war production effort.

"No man is required to produce a union card at the battle front, and no man should be required to produce a union card at the war-materials factory gate.

"Congress should act now to protect war production and national security.

"The issue is union security versus national security."

Whereas the Illinois Manufacturers' Association and the individual member firms of the association have frequently, since the beginning of the war emergency, urged upon the Federal administration, the Members of Congress, and members of the War Labor Board the vital importance to the war production program of the adoption by Congress of a law which would prohibit any agreement requiring any employee to belong to any organization as a condition of employment in the production of any war materials; and

Whereas thus far legislation of the character recommended in the statement of the

board of directors of the Illinois Manufacturers' Association adopted on May 9, 1942, as quoted above has not been adopted, but on the contrary the National War Labor Board has made it a practice to order and require employers engaged in war production to enter into contracts providing "union maintenance" and "check-off," the effect of which is to require workers to produce a union card and pay dues as a condition of employment in the production of war materials;

Whereas it has become the practice of the executive branch of the Federal Government to enforce such contracts by threat of seizure and by seizure of the properties and businesses of such employers: Now, therefore, be it

Resolved by the board of directors of the Illinois Manufacturers' Association, That Illinois industry again urge the adoption of a Federal law which will provide that no governmental agency shall require any employer to require any employee to belong to any organization as a condition of employment in the production of any war materials.

PROTEST AGAINST MEASURES THAT MAY CAUSE RISE IN LIVING COSTS

Mr. CAPPER. Mr. President, I have received a telegram from William C. Fox, president of the Wichita Trades and Labor Assembly, protesting against the enactment of any legislation which will cause a rise in the cost of living. I ask unanimous consent to have this message printed in the RECORD and appropriately referred.

There being no objection, the telegram was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

WICHITA, KANS., May 17, 1944.

The Honorable Senator ARTHUR CAPPER,
Senate Chamber, Washington, D. C.:

We are informed amendments proposed in Banking Committee will seriously impair the effectiveness of the price-control law. O. P. A. has, up to now, done a good job for the common citizen. We protest the enactment of any amendment which will cause a rise in the cost of living.

WILLIAM C. FOX,
President, Wichita Trades
and Labor Assembly.

EXTENSION OF EMERGENCY PRICE CONTROL ACT

Mr. CAPPER. Mr. President, I have received an interesting letter from the Woman's Missionary Federation of St. Louis, urging support of the Price Control and Stabilization Act as a means of keeping the cost of living as stable as possible. This group is also urging that something be done in the way of feeding the starving children of Europe. I ask unanimous consent to have this letter printed in the RECORD and appropriately referred.

There being no objection, the letter was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

WOMAN'S MISSIONARY
FEDERATION OF ST. LOUIS,
St. Louis, Mo., May 20, 1944.

Hon. ARTHUR CAPPER.

DEAR SIR: The members of the Woman's Missionary Federation wish to urge your support of the Price Control and Stabilization Act, S. 1745, as a means of keeping the cost of living as stable as possible.

This is not in any sense a political organization and we are not prepared to say what improvements may need to be made in the

present act. We are only interested to see that the less prosperous of our people have their fair share of the available food supply, and it seems that the present plan has been working reasonably well in assuring them of that share.

This organization is also interested to know why nothing has been done about feeding the starving children of Europe. Was not a bill passed in both the House and the Senate providing for the allocation of funds for this program sometime ago?

ELSIE M. DUWE (Mrs. A. H.),
Corresponding Secretary.

NATION-WIDE BROADCAST OF CONGRESSIONAL PROCEEDINGS

Mr. CAPPER. Mr. President, the School Custodians Local No. 255, of the American Federation of Labor, Kansas City, Kans., have adopted resolutions urging Congress to establish a Nation-wide broadcast of its proceedings, a proposal which I think might be worthy of serious consideration. I ask unanimous consent to have the resolutions printed in the RECORD and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Rules and ordered to be printed in the RECORD, as follows:

Resolution requesting that the proceedings of Congress be broadcast so that the people will understand clearly the functions of democracy in the making

Whereas the affairs of Congress and of government in general are vital to every citizen; and

Whereas no present method exists to provide full information to the average citizen about the real happenings in our Congress; and

Whereas radio is the simplest and most effective medium for communicating with every American in every part of the country; and

Whereas New Zealand adopted a program of short-wave broadcasts of the proceedings of its Parliament, and has successfully demonstrated that full knowledge by citizens of the affairs of government stimulates and strengthens the democratic system; and

Whereas our Congress could lease radio time from one or more networks, several important and powerful stations, or broadcast by short-wave all important debates, excepting such matters as might jeopardize national security during this war: Now, therefore, be it

Resolved, That we propose and urge upon Congress enactment of the necessary measures to establish a Nation-wide broadcast of its proceedings; and be it further

Resolved, That we communicate with each political party asking that this proposal be considered and included in the program adopted at its next convention; and be it further

Resolved, That a copy of this resolution be sent to the Members of Congress.

By CHARLES H. IRELAND,
Secretary, Local No. 255, B. S. E. I. U.
of A. F. of L.

RIVER AND HARBOR IMPROVEMENTS—REPORT OF COMMERCE COMMITTEE

Mr. OVERTON. From the Committee on Commerce, I report back favorably, with amendments, the bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 903) thereon.

Mr. GUFFEY. Mr. President, will the Senator yield for a question?

Mr. OVERTON. Certainly.

Mr. GUFFEY. Has the bill as proposed to be amended been printed?

Mr. OVERTON. It has not as yet been printed. I am reporting it now so that it may be printed in the next day or two.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received and the bill will be placed on the calendar.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LANGER, from the Committee on the Judiciary:

S. 1898. A bill to amend section 99 of the Judicial Code, as amended, so as to change the term of the District Court for the District of North Dakota at Minot, N. Dak.; without amendment.

By Mr. WALSH of Massachusetts, from the Committee on Naval Affairs:

H. R. 634. A bill to provide for the advancement of Rear Admiral Emory S. Land, Construction Corps, United States Navy, retired, to the rank of vice admiral; without amendment (Rept. No. 904).

By Mr. WHEELER, from the Committee on Interstate Commerce:

S. 1473. A bill to amend the Interstate Commerce Act, as amended; with amendments (Rept. No. 905); and

H. J. Res. 227. Joint resolution extending the period for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts; without amendment (Rept. No. 906).

By Mr. BYRD, from the Committee on Civil Service:

H. R. 4115. A bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed; with amendments (Rept. No. 907).

By Mr. KILGORE, from the Committee on Claims:

S. 887. A bill conferring jurisdiction upon the United States District Court for the Western District of Virginia to hear, determine, and render judgment upon the claims of John Weakley and Rella Moyer; without amendment (Rept. No. 908); and

H. R. 3596. A bill conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corporation against the United States; without amendment (Rept. No. 909).

By Mr. EASTLAND, from the Committee on Claims:

H. R. 2769. A bill for the relief of Mrs. Lillian W. Timmerman, mother of Ann Timmerman, a minor, deceased; without amendment (Rept. No. 910); and

H. R. 3737. A bill for the relief of M. H. Harris; without amendment (Rept. No. 911).

By Mr. TUNNELL, from the Committee on Claims:

S. 1365. A bill for the relief of J. C. Drewry; without amendment (Rept. No. 912);

S. 1709. A bill for the relief of Mrs. Clark Gourley; with amendments (Rept. No. 914);

S. 1904. A bill for the relief of J. Fletcher Lankton and John N. Ziegele; without amendment (Rept. No. 913); and

H. R. 2097. A bill for the relief of W. J. Cox; with amendments (Rept. No. 915).

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on May 23, 1944, that committee presented to the President of the United States the following enrolled bills:

S. 254. An act for the relief of Edward Gilliam; and

S. 1771. An act authorizing appropriations for the United States Navy for additional ordnance manufacturing and production facilities; and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. McCARRAN introduced Senate bills 1949 and 1950, which were referred to the Committee on Commerce, and appear under a separate heading.)

By Mr. KILGORE:

S. 1951. A bill granting an increase of pension to Robert Blake; to the Committee on Pensions.

By Mr. WHEELER:

S. 1952. A bill authorizing and directing the Secretary of the Interior to issue to Minnie Orley Kirk, a patent in fee to certain land; to the Committee on Indian Affairs.

By Mr. CHAVEZ:

S. 1953. A bill to authorize the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for the payment of operation and maintenance charges on certain Pueblo Indian lands; to the Committee on Indian Affairs.

(Mr. FERGUSON introduced Senate Joint Resolution 133, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

DOMESTIC AND FOREIGN COMMERCIAL AVIATION

Mr. McCARRAN. Mr. President, some time ago I introduced a bill, now known as S. 1790, bearing on the subject of aviation. The bill had in it two outstanding phases affecting the law of aviation. One was that relating to domestic aviation. It was, and is, a complete rewriting of the law of aviation. The other phase of the bill dealt with foreign commercial aviation.

At the time of the introduction of the bill I issued an explanatory statement, and sent copies of the bill throughout the entire country, for study by those who are interested in the subject.

Since that time the Committee on Commerce has been giving careful attention to the general subject of post-war aviation. The comments I have received from students of this subject have impressed me with the thought that the whole subject would best be understood and both phases of the question would best be studied and considered if the two phases were separated, that is if the provisions relating to the law of domestic aviation, as I have hoped to write them, should be considered separate from the provisions relating to the law of what I choose to call foreign aviation, or that form of commercial aviation having to do with air transportation from this country to the other countries of the world.

In order that the Committee on Commerce may have a better opportunity to study the question both as an entirety as it is now before the committee in Senate bill 1790, and in order that it may have the opportunity of studying the question from a domestic standpoint separated from foreign commercial aviation, and in order that the committee may study the foreign phase of commercial aviation separate from the domestic

phase, I have thought it best to divide the bill S. 1790, and I am now introducing a bill to cover the domestic side of commercial aviation and also a bill specifically to cover what, in my judgment, is the proper method for this country to pursue in the post-war period and almost immediately, if you please, in relation to our commerce by air with the countries of the world.

Let it be understood that no one change is made in the policy or plan of my original bill. Only that the committees may study the two phases of the question separately and that the Congress may study them separately and that the country may study them separately have I divided the subject. I now send forward a bill dealing with the domestic side of aviation which I ask consent to introduce.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

Mr. McCARRAN. I also ask consent to introduce a bill dealing with the foreign side of aviation, as I please to term it.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

The following bills, introduced by Mr. McCARRAN, were each read twice by their titles and referred to the Committee on Commerce:

S. 1949. A bill to create an independent Civil Aeronautics Authority and an independent air safety board, to promote the development and safety and to provide for the regulation of civil aeronautics, and to promote world leadership by the United States in aviation; and

S. 1950. A bill to create the All-American Flag Line, Inc., and to assure the United States world leadership in the field of air transportation.

EXTENSION OF TIME FOR CERTAIN COURT-MARTIAL PROCEEDINGS

Mr. FERGUSON. Mr. President, on December 7 last, Congress extended for a 6 months' period the time within which court-martial proceedings might be brought against any person or persons guilty of any dereliction of duty in connection with the Pearl Harbor disaster. In the same joint resolution Congress extended the statute of limitations for bringing any action against any civilian for the same period of time.

If any prosecution is to be had against any military or naval officer or member, proceedings must be begun within this 6 months' period. The same thing is true of civilians.

We have had no evidence from either the Department of Justice or the Army and Navy that any such proceedings have been taken. We have had some information from newspaper reports indicating that the Navy has designated Admiral Hart to obtain depositions or affidavits in connection with the Pearl Harbor disaster, but no detailed information of their contents or purpose is available to Congress.

It is, therefore, but fitting that we extend the period within which actions might be brought against anyone in the military or naval service or any civilian, as the case may be, for a further period of 3 months.

I believe that sufficient time has been allowed to all authorities, civil and military, within which to bring such proceedings. But as we have only a few days until the present extension of the statute of limitations will expire, I believe that a 3-month extension should be granted, and that a further provision should be enacted which would direct the Secretary of War and the Secretary of the Navy to institute court-martial proceedings on all charges against any person or persons, to whose court martial the extension of time provided for in section one of the resolution relates, and that such proceedings be brought as soon as possible, and in no event not later than the period of extension provided for in the joint resolution—that is, 3 months.

It is a well-known fact that delay in bringing prosecutions as a rule is beneficial to those who are guilty of any crime or dereliction of duty. It is equally true that for those who have a legitimate defense delay may be detrimental to the presentation of such a defense.

It is therefore important that Congress perform its duty and extend this statute of limitations, and also direct the Secretary of War and the Secretary of the Navy to institute proceedings within this period, that justice may be done.

This is not only our constitutional right, but it is our constitutional duty. Section 8 of article I of the Constitution provides that—

The Congress shall have power to * * * provide for the common defense and general welfare of the United States; * * *

To raise and support armies; * * * To provide and maintain a navy;

To make rules for the Government and regulation of the land and naval forces; * * *

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; * * *

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Mr. President, I ask consent to introduce a joint resolution, and request that it be referred to the Committee on the Judiciary for action.

The ACTING PRESIDENT pro tempore. Without objection, the joint resolution will be received and referred as requested.

The joint resolution (S. J. Res. 133) to extend the time limit for immunity was read twice by its title and referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 4102. An act to extend for 1 additional year the reduced rate of interest on Land Bank Commissioner loans; to the Committee on Banking and Currency.

H. R. 4184. An act to amend section 321, title III, part II, Transportation Act of 1940, with respect to the movement of Government traffic; to the Committee on Interstate Commerce.

H. R. 4861. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1945, and for other purposes; to the Committee on Appropriations.

ABOLITION OF POLL TAX BY CONSTITUTIONAL AMENDMENT—ADDITIONAL SPONSOR OF SENATE JOINT RESOLUTION 132

Mr. WHERRY. Mr. President, by unanimous consent, at the request of the Senator from Oregon [Mr. HOLMAN], who has just returned to the city from Oregon, I ask unanimous consent that his name be added to those of the sponsors of Senate Joint Resolution 132, proposing an amendment to the Constitution of the United States relative to removal of the requirement for payment of poll tax.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INVESTIGATION OF WAR CONTRACTS—LIMIT OF EXPENDITURES—AMENDMENT OF RESOLUTION

Mr. BARKLEY. Mr. President, on Tuesday last the Senate agreed to Senate Resolution 288, increasing by \$10,000 the limit of expenditures by the War Contracts Subcommittee of the Committee on Military Affairs under authority of Senate Resolution 198 of the present Congress.

The date on which the Senate agreed to Senate Resolution 198 is incorrectly stated in Senate Resolution 288 as February 8, 1942, whereas the correct date, as shown by official Senate records, is February 8, 1944.

For the purpose of correcting this clerical error, I submit the following unanimous-consent request, namely:

That the vote agreeing to Senate Resolution 288 on Tuesday be reconsidered; that the resolution be amended by striking out the figures "1942" and inserting "1944"; and that the resolution as thus amended be considered as agreed to.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CENTENNIAL OF THE TELEGRAPH—ADDRESS BY SENATOR AUSTIN

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD the address delivered by him in the Capitol on May 24, 1944, on the occasion of the presentation of a plaque commemorating the centennial of the telegraph, which appears in the Appendix.]

ANNOUNCEMENT FOR SENATE—ADDRESS BY SENATOR THOMAS OF OKLAHOMA

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a radio address announcing his candidacy for reelection to the Senate, delivered by him May 16, 1944, in Oklahoma, which appears in the Appendix.]

THE POLITICAL SITUATION IN OREGON—ADDRESS BY SENATOR HOLMAN

[Mr. HOLMAN asked and obtained leave to have printed in the RECORD an address on the political situation in Oregon, delivered by him on May 18, 1944, which appears in the Appendix.]

THE FUTURE OF COMMUNICATIONS—ADDRESS BY SENATOR WHEELER

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a radio address

entitled "The Future of Communications," delivered by him at the exercises held in the rotunda of the Capitol Building, Washington, D. C., on the occasion of the celebration of the centennial of the telegraph, May 24, 1944, which appears in the Appendix.]

ADDRESS BY BERNARD M. BARUCH IN ACCEPTING THE CHURCHMAN AWARD

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Bernard M. Baruch on the occasion of his acceptance of the Churchman award, at a dinner at the Waldorf-Astoria Hotel, in New York City, on May 23, 1944, which appears in the Appendix.]

WHAT HAPPENS AFTER THE WAR?—ADDRESS BY CHESTER BOWLES

[Mr. TUNNELL asked and obtained leave to have printed in the RECORD an address entitled "What Happens After the War?" by Chester Bowles, Price Administrator, published in the Washington Post for May 4, 1944, by the International Latex Corporation, which appears in the Appendix.]

VIEWS OF GOVERNOR DEWEY ON THE ST. LAWRENCE SEAWAY

[Mr. AIKEN asked and obtained leave to have printed in the RECORD comments on a press conference held by Governor Dewey, of New York, from the Watertown Daily Times, the Albany Knickerbocker News, the New York Times, and the Buffalo Evening News, which appear in the Appendix.]

AMERICAN-BRITISH INFLUENCE IN ARGENTINA—ARTICLE BY STANLEY JOHNSTON

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article entitled "United States Carrying Britain's Ball in Running Against Argentina," by Stanley Johnston, published in the Washington Times-Herald for May 25, 1944, which appears in the Appendix.]

PRESIDENTIAL ELECTION IN ARGENTINA—ARTICLE BY STANLEY JOHNSTON

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article entitled "Argentines See Opportunity to Elect Their President," by Stanley Johnston, published in the Washington Times-Herald for May 24, 1944, which appears in the Appendix.]

THE CABARET TAX

Mr. MEAD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Buffalo Evening News, of Buffalo, N. Y., under date of May 22, 1944, the title of which is "The Cabaret Tax."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CABARET TAX

As an amendment to the debt-limitation bill scheduled to come before the Senate this week, a proposal is made to cut the cabaret tax rate from 30 percent to 10 percent, formerly the rate. Chairman WALTER F. GEORGE, of the Finance Committee, is said to be willing to accept the change, but the Treasury has gone on record against a reduction in this tax.

The proposal is deserving of serious consideration. Protests have been made against the 30-percent tax, principally by entertainers, waiters, and other workers who have been complaining about loss of jobs. In New York City hundreds of cocktail lounges, cafes, and night clubs have closed and it is estimated by union officials that from 8,000 to 10,000 have become jobless.

Virtually every city has felt the effect of this heavy tax. Adjustments have been made by many of the night clubs to avoid its payment, generally resulting in a reduction in the number of employees. There were optimistic estimates about the amount of revenue this increase in tax would bring, but it may turn out that it will defeat that objective. The economic law of diminishing returns cannot be set aside by theories and doctrines.

Mr. MEAD. While I am dealing with the subject I wish to pay tribute to my colleague, the Senator from Nevada [Mr. McCARRAN], who is sponsoring an amendment to the cabaret-tax provision, and who will offer that amendment when the bill extending the debt limit is reported by the Finance Committee to the Senate.

I also ask unanimous consent to have printed as a part of my remarks a letter of explanation respecting the proposal to amend the cabaret tax, received from Richard T. Flanagan, chairman of the Cafe Owners' Association, as follows:

1. The night club and hotel entertainment industry is one of the largest taxpaying industries in the country. We pay enormous taxes such as the cabaret tax, floor tax, Social Security, withholding, and numerous other Federal taxes. Because of the 30 percent tax, a great number of clubs and hotel rooms must close. Many people have put forth the idea that although a club loses 80 percent of its business, the Treasury Department will still receive the same amount of tax. While this is true, any club or hotel room when it loses 50 percent of its business will close. It won't even wait until it loses 80 percent. While it is a fact that the Treasury Department has received a greater amount of tax during the month of April and again in May, this condition will not last—because all of the major clubs on Broadway in New York City, and I know that the same applies to the rest of the country, who have been paying this huge amount of tax will close within the next 3 weeks unless aid is given to them. The Government has lost an enormous amount of taxes from places that have already either closed or cut out their entertainment entirely. The Government has also lost a great amount of tax from places that have cut out entertainment during the dinner hour. Heretofore the Government was collecting 5 percent in all of these clubs and hotel rooms mentioned.

2. Thousands of people have been thrown out of work and many thousands more will follow, unless relief is given. Opponents to the reduction of this tax have stated that waiters could go into defense industries. I know from speaking to many of them that they were turned down for defense jobs because of physical disabilities.

3. Night clubs and hotel rooms have played a tremendous part in keeping up the morale of this country. Our entertainers have given freely of their time doing Army and Navy benefit shows, touring the various camps and canteens. We have played an important part in every Red Cross and U. S. O. drive, and more especially in bond drives. Bond drive nights held in night clubs throughout the country produced many millions of dollars for the United States Treasury. No one can doubt our effort on the morale of the service men on furlough, who have either been across or are going across and need these moments of relaxation which can only be found in clubs with entertainment.

OUR GOOD NEIGHBOR POLICY TOWARD LATIN AMERICA

Mr. THOMAS of Idaho. Mr. President, a recent issue of the Idaho Daily Statesman, published at Boise, Idaho,

comments editorially on the timely warning given by the Senator from Nebraska [Mr. BUTLER] as to the effects of our present good-neighbor policy toward South America and the necessity for a change. I ask unanimous consent to have the editorial printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR GOOD NEIGHBORS

South of the Panama Canal the prestige of this Nation is steadily falling. In fact, it has probably never been so low as it is today. Argentina's Fascist Government has been recognized by Bolivia, Chile, and Paraguay, and it seems probable at this writing that some other South American countries will fall in line. If Stalin recognizes it, the irony will be perfect and complete.

We recognize, as all thoughtful Americans must, that the establishment of a workable good-neighbor policy is no easy matter. After all, the world is in a state of unrest and ferment, with the yeast of fascism working in many a revolutionary brew; but it is obvious by this time that Senator BUTLER's warnings were to the point. Our policy simply isn't working and we need a change.

What the change should be we don't pretend to know; but we suspect that more firmness and less HENRY WALLACE would be a good ingredient. We have tried to buy good will; it can't be bought from any proud and civilized people. We have taken the role of the big brother guardian, but apparently our neighbors don't look upon us as their keeper. And we have dislocated their economy, arbitrarily raised their wages, and raised the merry devil between employer and employees.

It is still a world in which force speaks the loudest language; in which the exchange of goods means more than volumes of empty idealism; and in which most nations understand horse trading better than sermons. South Americans have goods to sell which we need and can use; we have goods to sell which they want. Beyond the economic basis there isn't much upon which a sound good-neighbor policy can be built. We'd like to see hard-headed businessmen sent down there instead of Rockefeller's culture boys and the New Deal's planners. Then perhaps we'd get somewhere.

RELEASE ON JOINT STATEMENT OF SOCIAL SECURITY BY THE NATIONAL PLANNING ASSOCIATION

Mr. WAGNER. Mr. President, I wish to call the attention of the Senate to joint statement on social security, recently issued by the National Planning Association, which contains the joint recommendations of the distinguished members of the association's agriculture, business, and labor committees on national policy. This statement is a comprehensive and informative report on the subject of social security, and it deserves our careful attention and study. I ask unanimous consent to have printed in the RECORD a release issued by the National Planning Association on April 30, which summarizes the main points of the joint statement.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

Immediate action to guarantee a minimum flow of incomes through an effective social-security program is as much in the interest of business as of labor, according to a joint statement on social security by

its agriculture, business, and labor committees on national policy, issued today by the National Planning Association. Assurance of continued purchasing power, the committees said, is an important element in a program of full employment because it will help to maintain markets on which business and agriculture can count and to avoid a downward spiraling of economic activity in the period of post-war readjustment.

William L. Batt, N. P. A. chairman, in commenting on the 48-page statement discussing the issues raised by social-security extension and presenting a series of concrete proposals, said, "When you get a representative group of business, labor, and agriculture agreeing on a social-security policy, I think you have something." Chairman of the three committees responsible for the statement are: Theodore W. Schultz, University of Chicago, for agriculture; David C. Prince, General Electric Co., for business; and Clinton S. Golden, United Steelworkers of America, for labor.

In emphasizing that immediate action is required, the committees state, "We believe that the specific program we have outlined is practical, economical, and democratic. . . . It would be highly irresponsible to assume that all the necessary post-war adjustments can be carried through without the accompaniment of some measure of unemployment. Early achievement of the program we have suggested would make possible the accumulation of benefit rights, so that if and when post-war unemployment comes, benefits may be paid according to the orderly processes of social insurance. Lacking such advance provision, we shall only repeat the errors of the 1930's."

Of first importance, the statement emphasizes, is a program to help returning soldiers and displaced war workers live while they are looking for peacetime jobs. A special unemployment insurance program and measures to protect the rights of ex-service men and women under old-age and survivors and disability insurance programs should "properly be regarded as a war cost and charged to the Federal Government." Similarly, benefits for all displaced ex-war workers during the reconversion period should be assured, either through extension and federalization of the existing unemployment insurance systems or through a temporary Federal war-adjustment pay program.

The committees specifically propose extending coverage to those ineligible under the present social security system—agricultural and domestic workers, employees of nonprofit corporations, the self-employed, and the owners of small businesses. They call for a new program of insurance benefits for sick or disabled workers, and recommend an expanded unemployment insurance program which will pay benefits for as much as 26 weeks to those who cannot find jobs, either public or private. To assure a basic living for needy persons, not covered by the proposed program, the committees suggest Federal grants-in-aid to States, so distributed that relatively more financial aid would go to the poorer States.

The statement also calls for a strengthened employment service and for expanded curative and preventive health services. These proposals were included in the joint statement because the committees were "impressed with the obvious waste both in human and financial terms of failing to take advantage of any measures which would reduce the need for income maintenance to a minimum. So long as these constructive and preventive measures are incompletely developed, so long will the Nation's bill for social security be unnecessarily large."

Unlike most social security proposals now before the American public, this statement

presents estimates of the upper and lower limits of the money costs of the recommended programs. Emphasizing the difficulties of preparing such estimates, the committees purposely selected a series of assumptions which, they believe, lead to overestimates rather than underestimates of probable costs. "Even if the national income does not rise above \$120,000,000,000 during the next decade" the report states, "expenditures for income maintenance and health and employment services would only amount to about 7.5 percent of the national income."

These estimates which are also projected 60 years ahead and on differing assumptions as to the severity of unemployment show clearly that the higher cost figures which are often quoted by opponents of social security extension must refer to a period after 1980 and be assuming unemployment in the neighborhood of ten million. Regarding the first condition, it is stated, "If the costs of social security are to be judged in terms of the probable costs of the year 2000 it is incumbent on those who regard the burden as staggering to state their assumptions as to the level of national income at that future date. If the experience of the past continues, output per man-hour will continue to increase."

Regarding the high-cost figures which would result from assuming an average level of 10,000,000 unemployed, the statement asserts, "We do not believe that a progressive society will be prepared to plan for the future on the assumption that 10,000,000 unemployed must be accepted as normal. If this defeatist attitude is rejected, the extremely high-cost estimate for social-security programs, which assume so high an unemployment level, must also be rejected."

The statement recommends that the costs of the social-insurance program proposed should be shared by employers and workers through wage and pay-roll taxes, and by the citizens generally out of national tax revenues. Careful consideration of the possible inflationary or deflationary effects of different methods of financing social-security expenditures is also called for.

A 9-page foreword by the N. P. A. executive committee, signed by its chairman, H. C. Sonne, of Amsinck, Sonne & Co., asserts that an important feature of the statement lies in its demonstration "that men and women who take their civic responsibilities seriously can work out an area of agreement, despite the fact that none would claim to be expert on social security." The statement, approved by representatives of each major economic group of the country, emphasizes this point by including a number of "basic facts" concerning social security, which members of the committees believe will "command a very wide measure of support throughout all segments of the Nation."

"BASIC FACTS"

"1. No democratic country can afford to stand passively by if millions of its citizens are deprived of income.

"2. A social-security program is not a substitute for a program of full employment, although by maintaining a minimum of purchasing power it is an important element in such a program.

"3. The major goal of the post-war economy should be enough jobs and lasting jobs at fair rates of pay and reasonable hours of work.

"4. Knowledge about some causes of maladjustment in our economic system is still inadequate, and considerable disagreement exists among professional students and in other circles about the needed remedies.

"5. Unemployment, should it occur, not only causes need and suffering to the workers concerned; it also threatens the standard of living of the entire Nation; for the total national income on which our prosperity depends is lowered when men and plants are idle.

"6. Want and distress do not arise solely as a result of unemployment. Many families in need do not have employable members.

"7. In large measure, the costs of assuring income to those who are at any given time deprived of private incomes, are inescapable.

"8. Far too large a proportion of the inability to work or to find employment and thus of the need for social security income is due to conditions which even now could be prevented.

"9. The problem of insecurity weighs heavily on the minds of many millions of Americans.

"10. Social insurance applies the sound principle of pooling risks to reduce individual hardship.

"11. The provisions of the present Social Security laws are, however, far from adequate.

"12. The increasingly large scale on which governmental-security programs must necessarily operate has tended to divorce the citizen from participation in the program."

PROPOSALS FOR INCOME MAINTENANCE PROGRAM

The committees recommend increased benefits for the present old-age and survivors insurance program and extended coverage "to include employees and nonprofit corporation, agricultural and domestic workers and the self-employed as well as owners of businesses."

Income losses due to sickness and disability should be provided for by setting up a disability-insurance program covering the gainfully employed population, including agricultural workers and the self-employed. It is obvious that such a program must be complemented by a program for medical treatment and rehabilitation.

The unemployment-insurance system should provide, after a waiting period of 1 week, for payment of normal benefits for 26 weeks of involuntary unemployment. Extension of benefit beyond that period, if neither private nor public work is available, should be made dependent on training or retraining or other steps which would enhance prospects of employment. Coverage should be extended to include seamen, agricultural wage earners, and employees of small firms and nonprofit corporations, and the system should be amended to raise the level of benefits and provide benefits for dependents; and to protect those who work in more than one State during their eligibility period from impairment of benefit rights.

State and local general relief programs should be strengthened and made more adequate by the provision of a Federal grant-in-aid distributed to States inversely according to wealth, so that relatively more financial aid would be given to the poorer States.

The old-age and survivors' unemployment and temporary and permanent disability-insurance programs should be administered by the National Government. The public-assistance programs, both special and general, should continue to be operated by the States and localities. There should be conveniently accessible to every citizen seeking advice, aid, or services a single central information office where he could discover what community resources, either public or private, are available to him and where he could be put in touch with appropriate service agencies.

Day-to-day administration of the social-insurance programs can be decentralized through a network of area and local offices and more extensive use of regional organization, and more effective use of local advisory bodies and citizen participation.

Calling for more democracy in social security, the committees suggest appointment by the President, with the approval of the Senate, of a "truly representative national advisory committee on social security, composed of a cross section of business, agriculture, labor, and the general public," to

study the operation of the social-security system as a whole and make periodic reports and recommendations to the Congress. Similar advisory bodies in the States and large communities are suggested to perform the same functions for their respective areas.

PROPOSALS FOR SPECIAL WAR EMERGENCY MEASURES

Steps must be taken immediately to create a special unemployment-insurance program providing benefits at uniform rates for unemployed ex-service men and women and their dependents for a period of 26 weeks following demobilization, or longer if no private or public work is available. For the old-age and survivors and disability-insurance programs, continuity of benefit rights and amount of benefits of those absent from covered employment because in the armed forces should be assured by crediting their accounts with a specified sum. In both cases the cost of these benefits should properly "be regarded as a war cost and charged to the Federal Government." The least the Nation can do, the report continues, "is to make sure that ex-service men and women are not penalized by their military service."

The committees insist that it "is necessary to make some special provision to supplement at Federal expense the existing system of unemployment insurance during the process of reconversion already begun and until such time as a comprehensive program * * * shall become operative." The advantages of the temporary scheme suggested would "insure comprehensive coverage and payment of benefits for a significant period to all workers affected by the process of reconversion, while allowing time for the reconciliation of the present divergent views as to the future roles of the Federal Government and the States in the permanent unemployment-insurance program," and would protect the finances of present State programs from actuarial distortions due to the emergency and nonrecurrent character of the post-war reconversion drain.

PROPOSED ESSENTIAL PUBLIC SERVICES

The statement calls for an effective employment service to assist in the solution of labor-market problems in the reconversion period. "Whatever form of collaboration between the Federal Government and the States may ultimately be decided upon," the committees believe that the following features must characterize the employment service: provision for labor-management participation on a national and local basis; power and equipment to carry out estimates; labor-market analyses for local communities, States, and the Nation as a whole; special guidance and placement of youth, veterans, and other special groups such as handicapped workers; means for facilitating the geographical movement of workers; cooperation at all levels with agencies responsible for rehabilitation and vocational education; an adequate and well-trained staff.

The report calls for an expansion of both curative and preventive health services. Proposals are made for an expanded and broadened public-health service, effective and well-planned nutrition programs, efforts within industry by management and labor to keep occupational accidents and diseases to an irreducible minimum; and medical care, including facilities for hospitalization and rehabilitation, for all people.

The committees emphasize that a program "adequate to save all our people from the specter of want arising from inability to earn" can yet leave ample leeway for the individual, through his own efforts, to provide for himself and his family a larger share of the goods and services which our great American productive potential makes possible over and above this minimum.

They were under no illusion, says the statement, "that a social-security program is a final and complete answer to all the problems

associated with poverty and insecurity * * * or that any one program would be satisfactory forever * * *. But the members of the agriculture, business, and labor committees believe that it would be unwise to follow a no-action policy, on the ground that the proposed program is incomplete or that a better solution may be found in later years. For what happens or does not happen to the people of America in the first post-war decade," they say, "may well be crucial * * *. The proper course, therefore, appears to us to be to take such steps as are even now indicated in the light of our present knowledge and needs and to continue to press for a solution of the problems that still remain."

Among questions which the committee would like to see the subject of further study are: (1) The feasibility of insuring to all aged persons the right to a certain minimum income which would assure independence in old age. (2) The feasibility of making more adequate provision for the special needs of children. (3) Consideration of the special problems of agriculture—a subject which is currently being studied by the agriculture committee. (4) The feasibility of strengthening inducements to maintain a continuing high level of employment. (5) Ways and means of increasing the effectiveness of the employment service.

STANDING COMMITTEES ON NATIONAL POLICY OF THE NATIONAL PLANNING ASSOCIATION, JANUARY 10, 1944

AGRICULTURE COMMITTEE

Theodore W. Schultz, chairman, University of Chicago; James G. Patton, vice chairman, National Farmers Union; Frank App, Seabrook Farms; Henry B. Arthur, Swift & Co.; Murray R. Benedict, Glannini Foundation; John D. Black, Harvard University; Eugene W. Burgess, General Mills, Inc.; Harry B. Caldwell, North Carolina State Grange; Harry Clark, Mountain States Beet Growers Marketing Association; Oscar Johnston, National Cotton Council of America; Allan B. Kline, Iowa Farm Bureau Federation; Donald B. Murphy, Wallaces' Farmer and Iowa Homestead; Lowry Nelson, University of Minnesota; Charles W. Smith, Eastern Oregon Wheat League; Thad Snow, Charleston, Mo.; Glenn J. Talbot, North Dakota Farmers Union; M. W. Thatcher, Farmers Union Grain Terminal Association; Odin Thomas, Harry Ferguson, Inc.; Marcel J. Voorhies, American Sugar Cane League.

BUSINESS COMMITTEE

David C. Prince, chairman, General Electric Co.; Beardsley Ruml, vice chairman, R. H. Macy & Co.; J. O. Chesley, Aluminum Co. of America; A. D. Chiquoine, Jr., Batten, Barton, Durstine & Osborn, Inc.; David Craig, American Retail Federation; Guy Emerson, Bankers Trust Co. of New York; H. K. Ferguson, The H. K. Ferguson Co.; S. T. Henry, McGraw-Hill Publishing Co.; S. A. Holme, General Electric Co.; Arthur A. Hood, Johns-Manville, Inc.; T. G. McGowan, Akron, Ohio; Anderson Pace, Illinois Central System; Leo H. Rich, Walter Dorwin Teague; Edgar W. Smith, New York, N. Y.; H. Chr. Sonne, Amsinck, Sonne & Co.; Charles J. Stilwell, Warner & Swasey Co.; P. B. Stull, Hercules Powder Co.

LABOR COMMITTEE

Clinton S. Golden, chairman, United Steelworkers of America; Marlon H. Hedges, vice chairman, International Brotherhood of Electrical Workers; Solomon Barkin, Textile Workers Union of America; James Carey, Congress of Industrial Organizations; John Childs, American Federation of Teachers; S. H. Dalrymple, United Rubber Workers of America; Katherine Pollak Ellickson, Congress of Industrial Organizations; Frank Fen-ton, American Federation of Labor; H. W. Fraser, Order of Railway Conductors of Amer-

ica; Paul Hutchings, International Council of Office Employees Union; David Kaplan, International Brotherhood of Teamsters; Julius Luhrs, Railroad Labor Executives Association; Walter Reuther, United Automobile Workers; Emil Rieve, Textile Workers Union; Harold Ruttenberg, Congress of Industrial Organizations; Boris Shishkin, American Federation of Labor; Theodore F. Silvey, Congress of Industrial Organizations; Mark Starr, International Ladies Garment Workers' Union; Lazare Teper, International Ladies Garment Workers' Union; Florence C. Thorne, American Federation of Labor; Raymond Walsh, Congress of Industrial Organizations; Robert J. Watt, American Federation of Labor.

THE CONTRIBUTION OF FARMERS TO THE WAR

Mrs. CARAWAY. Mr. President, I should like to bring to the attention of the Senate a matter which has been on my mind for some time. It is in regard to a group whose contribution to the war is not only as essential as any in this country, but compares favorably with any group in these United States from the standpoint of sheer achievement. I refer to the farm people of this great Nation.

Last summer I heard much said and read much printed matter to the effect that our people would be on the verge of starvation by winter, and it was even predicted that by February there would be food riots because of shortages. The facts have proved the fallacy of those predictions.

It was not taken into account that farmers and their families would be willing to work longer hours, with less help and less machinery and equipment, in order to grow the products which are so essential to winning this war. I beg the indulgence of my colleagues for a few minutes while I review some of the amazing contributions the farm people are making to the defeat of Hitler and Tojo.

We know that the demand for the products of the soil, like the demand for the products of the factory, is at an all-time high in the Nation's history. This emergency has clearly demonstrated that food is as truly a war weapon as any top-priority item on the munitions list. This is substantiated by the fact that the success of every battlefield operation begins in the mess line. And back of that is the food-supply line, which originates on the fields of our farms.

Only strong, able-bodied men can survive the grueling experience of front-line action. We know that strenuous physical exercise can harden muscles, but that only nourishing food can build them.

I wonder if all my colleagues have ever stopped really to consider the tremendous job the soldiers of the soil are doing here on the home front. Those millions of men, women, and children—for on the farm they all work—are truly turning their farm fields into battlefields.

Think for a moment, Mr. President, if you will, of all the people who are looking to the American farmer for the sustenance of life. In addition to our fighting men on the far-flung battle stations around the world, our army of war workers who are turning out the industrial

¹ Absent while serving in the armed services of the United States.

products of war, and the rest of our civilians on the home front, many of our allies, and the unfortunate peoples in Axis-occupied countries—all are looking to the American farmer.

I should like to give a few figures showing what the farmer has done in this war. To begin with, the output of food has been increased appreciably each year since the war started. Moreover, the output of some specially needed war crops has been increased several hundred percent. It is significant to note also that food production in 1943 was about one-third greater than the pre-war average, 1935-39, and almost one-half greater than in 1918. Mind you, this was accomplished in the face of the dwindling supply of manpower, farm machinery, and fertilizer. I am often immensely intrigued by wondering how much the farmer would have produced last year if he could have had all the labor and other production facilities he needed, including machinery and fertilizer.

Just to give an idea of the commodity level of production farmers achieved in 1943, here are some figures which certainly merit a hearty vote of thanks to the farmer. Record production of oil crops and direct food crops included soybean production at 380 percent of the 10-year pre-war 1932-41 average, peanuts 211 percent of that average, flaxseed 366 percent, dried peas 415 percent, beans 152 percent, and potatoes 128 percent. Egg production was at record levels, and milk production was higher than in any year except 1942. Livestock production was 8 percent above 1942 and one-third above the 5-year average 1937-41. The year ended with the largest livestock inventory in history, with 3 percent more cattle, 19 percent more hogs, and 4 percent fewer sheep and lambs than a year earlier.

Production of hay and the four principal feed grains was second only to the record crops of 1942. In spite of consumption by the 1943 record number of livestock, the year ended with total supplies of feed grains the largest in history with the exception of 1942.

After hearing figures such as these, some might be inclined to wonder how it was possible for the farmer to produce so much when he was handicapped by shortages of production materials. It seems to me that there are a number of factors that account for this astounding success. First and foremost is the indisputable fact—and, incidentally, one which is often overlooked—that farmers worked harder and longer hours perhaps than in any single year in history. There are no 8-hour workdays with the farmer. He works from sun to sun—and then some.

Mr. President, I was born and reared on a farm. I have done farm work. I know something of the never-ending toil necessary to make farm life a success. On coming to the Senate, I asked and received an appointment to the great committee on Agriculture and Forestry. The lack of knowledge of the problems of the farmer, both in that committee and in the Senate, has been a matter of interest and wonder to me. If all of us were better acquainted with the difficult

lot of those who till the soil, I think they would receive better treatment at the hands of the Government and the Congress. The farmer has to contend with the elements, pests, the high cost of those things which he has to buy, and many other problems, and when his crop is made, he is one of the few who cannot demand a certain price for his product, as do others. He has to take what he can get in uncertain markets. Early one cold morning last fall, as I was driving along the highway in Arkansas, I passed a cotton field. The farmer and his family were picking cotton. As I watched the little chilled fingers picking this valuable crop I thought then, as I think now, that there are few other groups of our people who give as much to their Nation as do our farmers. I, for one, shall continue my efforts to see that the farmer gets justice. Farming is the basic asset of this Nation. When the farmer is prosperous, the rest of us are prosperous. He is entitled to special consideration at the hands of his Government and the Congress.

Another factor that figured so largely in the success of last year's agricultural production record was the increase in crop yields, attributable in a large measure to the reserves of soil fertility accumulated and stored through recent years of the farm program. Of course, we know that farmers in general also got a fair break in the weather last year. But good weather alone cannot produce heavy crop yields on land that is severely depleted of its fertility. During the past 6 years crop yields averaged 21 percent above the 10-year average, 1923-32. They were 24 percent above the average in 1943. I do not mean to imply by any means that the conservation job is finished. It is my opinion—and I believe that opinion is shared by the Department of Agriculture—that conservation is one of the fundamental post-war problems which we need to be considering in connection with agriculture. There are in the Department of Agriculture some who are in a position to know who say that about 90 percent of the conservation job still lies ahead. But we cannot hope to see that job through until this war has been fought to a successful conclusion.

By extolling the accomplishments of the farmer thus far in the war I do not mean to minimize the job that lies ahead of him. I do not think there is any doubt that the toughest part of the farmer's job perhaps is still to be coped with. For example, the goal for this year's production is even higher than the 1943 record output. The crop-acreage goal of 380,000,000 acres is about 5 percent higher than last year's acreage. I want to call the attention of my colleagues to the fact that if farmers achieve next year's phenomenal production goal they will have set a new food-production record for 8 consecutive years. The farmer needs all the aid his Government and the Congress can give him.

Mr. President, it is my hope that my words will serve in some measure to arouse in others, particularly the public in general, a deeper appreciation of the

farmers' problems and a keener sense of gratitude for the great service our farm people are rendering to their Nation and to humanity in this time of war.

AUTHORITY TO REPORT EXTENSION OF PRICE CONTROL AND STABILIZATION ACT

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be authorized to report during any recess of the Senate until next Monday the House bill extending the Price Control and Stabilization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY TO RECEIVE MESSAGES AND SIGN BILLS

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House, and that the Presiding Officer of the Senate be authorized to sign bills and resolutions, during the recess of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOURS OF DUTY OF POSTAL EMPLOYEES—ORDER FOR CONSIDERATION OF CONFERENCE REPORT

Mr. McKELLAR. Mr. President, there is on the table a conference report on House bill 2928, to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended. I have agreed, and the Senator from Kansas [Mr. REED] has agreed to have it taken up the first thing on Monday. I ask unanimous consent that the bill be taken up at that time.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 805.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will proceed to call the calendar.

FREDERICK G. GOEBEL

The bill (S. 1461) for the relief of Frederick G. Goebel, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$109.45, to Frederick G. Goebel, of Van Buren, Maine, a customs patrol inspector, United States Bureau of Customs, in full satisfaction of his claim against the United States for reimbursement of the total amount refunded by him as the result of the disallowance by the General Accounting Office of part of the travel expenses incurred by him during the period January 22 to February 7, 1937, inclusive, in traveling by personally owned automobile from Buffalo, N. Y., to Portland, Oreg., such excess travel expenses having resulted from the taking of a circuitous route necessitated by acts of God and other conditions beyond the control of the said Frederick G. Goebel: *Provided,* That no part of the amount appro-

prated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MISSISSIPPI RIVER BRIDGE AT SAUK RAPIDS, MINN.

The bill (H. R. 3028) to extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn., was considered, ordered to a third reading, read the third time, and passed.

CHRISTIAN WENZ

The bill (H. R. 2332) for the relief of Christian Wenz was considered, ordered to a third reading, read the third time, and passed.

MARGARET HAMILTON AND OTHERS

The bill (H. R. 2757) for the relief of Margaret Hamilton, Mrs. Catherine Higgins, Mrs. Rebecca Sallop, and Mrs. Dora Projansky was considered, ordered to a third reading, read the third time, and passed.

JOHN HIRSCH

The bill (H. R. 1628) for the relief of John Hirsch was considered, ordered to a third reading, read the third time, and passed.

BERNADINE SALMONS

The bill (H. R. 2438) for the relief of Bernadine Salmons was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF GERTRUDE MULLINS

The bill (H. R. 2472) for the relief of the estate of Gertrude Mullins was considered, ordered to a third reading, read the third time, and passed.

FRANK ROBERTSON

The Senate proceeded to consider the bill (S. 1572) for the relief of Frank Robertson, which had been reported from the Committee on Claims, with amendments, on page 1, line 6, after the words "sum of", to strike out "\$50, together with interest thereon at the rate of 4 percent per annum, compounded annually, from February 20, 1919, to the date of payment," and insert "\$86.13"; in line 10, after the figures "\$50", to insert "Fourth", and, after the word "Liberty", to insert "Loan"; and on page 2, line 2, after the words "to him", to insert "with interest at the rate of 4 1/4 percent from date of issue, October 24, 1918, to October 15, 1935, the final redemption date of bonds of said Fourth Liberty Loan."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Robertson, of Portland, Oreg., the sum of \$86.13, in full satisfaction of his claim against the United States for payment on account of a \$50 Fourth Liberty Loan bond which he pur-

chased and paid for through the disbursing office at the United States Navy Yard, Puget Sound, Wash., but which was never delivered to him, with interest at the rate of 4 1/4 percent from date of issue, October 24, 1918, to October 15, 1935, the final redemption date of bonds of said Fourth Liberty Loan: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RECOVERY OF PAYMENTS UNDER CIVIL SERVICE RETIREMENT ACT

The bill (S. 461) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, was announced as next in order.

The ACTING PRESIDENT pro tempore, Calendar No. 860, House bill 1475, is an identical bill. Without objection, the House bill will be substituted for the Senate bill, and will be considered at this time.

There being no objection, the bill (H. R. 1475) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 461 will be indefinitely postponed.

DISPOSITION OF TRIBAL FUNDS OF MINNESOTA CHIPPEWA TRIBE OF INDIANS

The bill (S. 873) to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding any other provision of law, the tribal funds now on deposit or hereafter placed to the credit of the Minnesota Chippewa Tribe of Indians, in the United States Treasury, shall be available for such purposes as may be designated by the tribal council of said tribe and approved by the Secretary of the Interior.

ADDITION OF CERTAIN LANDS TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The bill (S. 1081) to add certain lands to the Upper Mississippi River Wild Life and Fish Refuge was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to acquire, for and as part of the Upper Mississippi River Wild Life and Fish Refuge, established pursuant to the authority contained in the act of June 7, 1924 (43 Stat. 650), as amended, those tracts of land situated in Wabasha County, Minn., described as lots 6 and 10, section 19, township 110 north, range 9 west, fifth principal meridian, containing approximately one hundred ten and twenty-four one-hundredths acres, which tracts of land were acquired pursuant to authority contained in the acts of June 29, 1888 (25 Stat. 228), and March 2, 1889 (25

Stat. 992), for Indian use, but are no longer used by Indians.

SEC. 2. In order to carry out the provisions of section 1 hereof, the sum of \$1,261.20 from funds heretofore made available to the Fish and Wildlife Service for the purchase of lands for the Upper Mississippi River Wild Life and Fish Refuge is hereby made available for transfer on the books of the Treasury of the United States to the credit of the Medawakanton and Wahpakoota Bands of Sioux Indians, pursuant to the provisions of the act of May 17, 1926 (44 Stat. 560), and said sum, when so transferred, shall operate as a full, complete, and perfect extinguishment of all their right, title, and interest in and to the lands above described, and shall be subject to disbursement under the direction of the Secretary of the Interior for the benefit of the Medawakanton and Wahpakoota Bands of Sioux Indians. Where groups of such Indians are organized as tribes under the act of June 18, 1934 (48 Stat. 984), the Secretary of the Interior may set apart and disburse for their benefit and upon their request a proportionate part of said sum, based on the number of such Indians so organized.

REPAYMENT AND INCREASE OF CROW INDIAN REVOLVING FUND

The bill (H. R. 2105) extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians was considered, ordered to a third reading, read the third time, and passed.

EXCHANGE OF LANDS WITHIN NAVAJO INDIAN RESERVATION, ARIZ.

The bill (H. R. 214C) to authorize the Secretary of the Interior to exchange certain lands within the Navajo Indian Reservation, Ariz., was considered, ordered to a third reading, read the third time, and passed.

ELIMINATION OF PAYMENT OF INTEREST ON REFUND CLAIMS

The Senate proceeded to consider the bill (H. R. 4292) to amend section 12 (b) of the act of May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with amendments, on page 1, line 4, after the word "following", to insert the words "'employees' where it appears at the end of"; and in line 6, after the word "following" and the colon, to strike out "except that" and insert a colon and the words "Provided further, That."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMPUTATION OF INTEREST ON CONTRIBUTIONS TO CIVIL-SERVICE RETIREMENT FUND

The Senate proceeded to consider the bill (H. R. 4320) relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service, which had been reported from the Committee on Civil Service, with amendments, on page 1, line 7, after the word "month", to insert "in the total service of an officer or employee"; in line 8, after the word "disregarded", to strike out "unless it amounts to more than half

a month, in which case it shall be considered as a full month."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RIGHTS OF BENEFICIARIES OF REEMPLOYED ANNUITANTS UNDER CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (S. 198) to amend further section 2 of the Civil Service Retirement Act, approved May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with amendments, on page 2, line 5, after the words "from the", to strike out the word "basic"; in line 6, after the word "employee", to strike out "a sum equal to the", and insert "at each pay period a proportionate amount of the annual"; in line 9, after the word "annuity", to strike out "received", and insert "elected"; and after line 12, to insert a new section, as follows:

Section 2. The amendment made by the first section of this act shall be effective as of January 1, 1940.

The amendments were agreed to.

Mr. LA FOLLETTE. Mr. President, I send to the desk an amendment which I offer and ask to have stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "receiving", it is proposed to insert "or had elected and was otherwise entitled to."

Mr. LA FOLLETTE. Mr. President, I have discussed this amendment with the Senator from California [Mr. Downey], who is chairman of the committee, and I have also discussed it with the retirement authorities. I think the amendment is agreeable to both.

Mr. DOWNEY. Yes; it is.

Mr. LA FOLLETTE. I think it carries out the intent of the bill, as it was reported from the committee, but adds one category which obviously should be taken care of.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That paragraph (b) of section 2 of the Civil Service Retirement Act approved May 29, 1930, as amended, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a colon and adding the following: "Provided, however, That nothing in this act shall be so construed as to affect the rights of the annuitant's beneficiary if the annuitant has been receiving, or had elected and was otherwise entitled to a reduced annuity under section 4 (d) and dies while so reemployed or within 30 days after the termination of his reemployment, but all such rights shall continue and may be enforced in the

same manner as if the annuitant had not been reemployed: *And provided further,* That during such reemployment there shall be deducted and withheld from the salary, pay, or compensation of such employee at each pay period a proportionate amount of the annual difference between the life annuity to which the employee would have been entitled and the reduced annuity elected by the employee. The amounts so deducted and withheld shall be deposited in the Treasury of the United States to the credit of civil service retirement and disability fund."

SEC. 2. The amendment made by the first section of this act shall be effective as of January 1, 1940.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (S. 1481) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with an amendment on page 2, line 3, after the word "that", to strike out "where such annuity is payable on account of the same disability for which compensation under such section of said act of September 7, 1916, has been paid," so as to make the bill read:

Be it enacted, etc., That section 6 of the Civil Service Retirement Act, approved May 29, 1930, as amended, is hereby amended by adding at the end thereof the following paragraph:

"Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, except that so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the United States Employees' Compensation Commission, shall be refunded to the United States Employees' Compensation Commission, to be covered into the Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to such Commission the amount representing such computed payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this act, which amount shall be transmitted to such Commission for reimbursement to such fund. Deduction from such annuity may be made from accrued and accruing annuity payments, or may be prorated against and paid from accruing payments in such manner as the Employees' Compensation Commission shall determine, whenever it finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NIGHT DIFFERENTIAL FOR CERTAIN EMPLOYEES

The bill (S. 1705) to provide night differential for certain employees was announced as next in order.

The ACTING PRESIDENT pro tempore. Calendar No. 899, House bill 3891, is an identical bill. Is there objection to the consideration of the House bill?

There being no objection, the bill (H. R. 3891) to provide night differential for certain employees, was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 1705 will be indefinitely postponed.

Mr. MEAD subsequently said: Mr. President, earlier today House bill 3891 was passed. I regret I was not present when the bill was substituted for Senate bill 1705, Calendar No. 828, and passed. I have been authorized by the Civil Service Committee to present a clarifying and corrective amendment. The amendment is at the desk, but I was not in the Chamber when the bill was considered and passed. So, I now ask that the vote by which House bill 3891 was passed, together with the vote ordering its third reading, be reconsidered in order that I may offer an amendment to it.

The ACTING PRESIDENT pro tempore. Without objection, the vote by which the bill was passed, together with the vote ordering its third reading, is reconsidered, and the amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 1, in line 5, after the word "paid", it is proposed to insert a comma and the following: "In respect of their regular workweek of 40 hours and except when in leave status."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 3891) was read the third time and passed.

BILL PASSED OVER

The bill (S. 1419) to authorize collectors of internal revenue to receive cashiers' checks of certain banking institutions in payment for revenue stamps was announced as next in order.

Mr. BARKLEY. Mr. President, at the request of the Senator from Florida [Mr. PEPPER], the author of the bill, I ask that it be passed over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

INDIANS OF THE FORT BERTHOLD RESERVATION IN NORTH DAKOTA

The bill (S. 338) for the relief of the Indians of the Fort Berthold Reservation in North Dakota was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000, in full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota, composed of the Arickarees, Gros Ventres, and Mandans, which claims are based upon stipulations of an unratified treaty dated July 27, 1866 (Kappler's Laws and Treaties, vol. 2, p. 1052): *Provided,* That the amount when appropriated shall be deposited in the Treasury of the United States to the credit of the Indians of the Fort Berthold Reservation and shall draw interest in accordance with existing laws: *Provided further,* That not to exceed 5 per-

cent of the amount herein authorized may be used by the Secretary of the Interior for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law.

DISPOSITION OF CERTAIN NONRESERVATION INDIAN LANDS, SHERMAN INSTITUTE, CALIFORNIA

The bill (S. 1580) to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized in his discretion and subject to such terms and conditions as he may prescribe, to sell or exchange all or any part of those two certain tracts of land containing 10 acres and 100 acres more or less, respectively, heretofore acquired by the United States for the use of the nonreservation Indian boarding school known as Sherman Institute, Riverside, Calif., by deed dated August 30, 1900, from Frank A. Miller and Isabella D. Miller and by deed dated September 10, 1901, from George Frost, president of the Riverside Land Co. In effecting any sale or exchange hereunder the Secretary of the Interior is authorized to execute such deeds or other instruments as may be necessary to transfer the title to any land so sold or exchanged, and the proportionate share or shares of capital stock of the Riverside Water Co. evidencing the right of the lands so sold or exchanged to participate in the use of water furnished by said company for domestic and/or irrigation purposes. Any exchanges of land and/or water rights effected pursuant to this act shall be on an equal-value basis.

SEC. 2. That the proceeds derived from any sale made under authority of this act shall be deposited in the Treasury of the United States as school revenues, pursuant to the act of May 27, 1926 (44 Stat. 560), and shall be available in the discretion of the Secretary of the Interior for the purchase of other lands for the use of said Sherman Institute, including the water right or shares of water stock representing the right of the lands so purchased to the use of water for irrigation and/or domestic purposes.

PAYMENT OF ATTORNEYS' FEES FROM OSAGE TRIBAL FUNDS

The bill (S. 1847) to provide for the payment of attorneys' fees from Osage tribal funds was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That pursuant to the terms of a contract approved by the Assistant Secretary of the Interior February 14, 1938, between Fred Lookout, principal chief of the Osage Tribe of Indians, and certain attorneys named therein, employed pursuant to Osage council resolution No. 82, dated December 6, 1937, and extended for a period of 3 years from February 14, 1941, there is authorized to be expended from any funds collected as a result of any suit brought under said contract such sum as may be necessary to pay the fees of the attorneys so employed, as provided by the terms of the contract.

OBLIGATIONS FOR THE BENEFIT OF NATIVES IN ALASKA

The bill (H. R. 329) to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor

was considered, ordered to a third reading, read the third time, and passed.

MARRIAGE AND DIVORCE AMONG MEMBERS OF THE KLAMATH AND MODOC TRIBES AND THE YAHOOOSKIN BAND OF SNAKE INDIANS

The Senate proceeded to consider the bill (S. 267) relating to marriage and divorce among members of the Klamath and Modoc Tribes and Yahoooskin Band of Snake Indians, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That from and after 6 months after approval of this act no marriage thereafter entered into, to which a member of the Klamath or Modoc or Yahoooskin Band of Snake Indians of the Klamath Indian Reservation in Oregon is a party, shall be valid for any purpose unless such marriage shall have been solemnized pursuant to the laws of the State in which the ceremony is performed.

SEC. 2. Bona fide Indian custom marriages existing prior to the effective date of section 1 of this act are valid, and recordation of such marriage with the superintendent of the Klamath Indian Agency, if both parties are then living, in a book kept by him for that purpose shall be prima facie evidence of such marriage. The nonrecordation of such a marriage shall be prima facie evidence of the nonexistence of such marriage.

SEC. 3. From and after the date of the approval of this act, divorces in which a member of the said tribes or band of Indians is a party shall be effected only by decree of a State court of competent jurisdiction.

SEC. 4. No person shall be entitled to inherit as the surviving spouse of a deceased member of the Klamath or Modoc Tribes or Yahoooskin Band of Snake Indians by virtue of a marriage entered into subsequent to the effective date of section 1 of this act unless his or her marriage to the decedent has been solemnized in conformity with the provisions of this act: *Provided*, That nothing herein contained shall be construed to authorize the devolution of restricted property within the Klamath Reservation to any person not qualified under the provisions of section 5 of the act of June 1, 1938 (52 Stat. 605).

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENTS TO CERTAIN MEMBERS OF THE SEMINOLE TRIBE OF INDIANS

The Senate proceeded to consider the bill (S. 1240) to authorize payment to certain enrolled members of the Seminole Tribe of Indians under act of July 2, 1942 (Public, No. 645, 77th Cong.), which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That section 1 of the act of December 24, 1942 (56 Stat. 1080), entitled "An act to provide for the probate and distribution of restricted estates not exceeding \$2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma," is hereby amended to read as follows:

"That exclusive jurisdiction is hereby conferred on the Secretary of the Interior to determine the heirs after notice and hearing under such rules and regulations as he may prescribe, and to probate the estate of any deceased restricted Indian, enrolled or unenrolled, of the Five Civilized Tribes of Okla-

homa, whenever the restricted estate both real and personal under the control of the Department of the Interior, is of an aggregate value, as determined and appraised by the superintendent of the Five Civilized Tribes, not exceeding \$2,500: *Provided*, That where such decedent died prior to the effective date of this act, the distribution of such estate, including the decedent's share of any tribal funds, shall be made in accordance with the statute of descent and distribution applicable at the date of death: *Provided further*, That where the decedent dies subsequently to the effective date of this act distribution of all such estate, including tribal funds aforesaid, shall be effected in accordance with the statute of descent and distribution of the State of Oklahoma: *Provided further*, That whenever such estate comprises only funds not exceeding \$250 in the aggregate, distribution may be made to the heirs upon proof of death and heirship satisfactory to the superintendent, and the findings of said superintendent upon such proof shall be final and conclusive for all purposes of such payment."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the act of December 24, 1942 (56 Stat. 1080), relating to estates of certain deceased Indians of the Five Civilized Tribes in Oklahoma."

CLAUDE R. WHITLOCK

The Senate proceeded to consider the bill (S. 1848) for the relief of Claude R. Whitlock, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment, in section 2, on page 2, line 1, after the word "hereby", to insert "authorized to be", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of Claude R. Whitlock, superintendent and special disbursing agent, Rosebud Indian Agency, Rosebud, S. Dak., for the sum of \$3,058.27, plus accrued interest thereon, representing public and trust funds embezzled by Theodore A. Garnette, a former employee of said Indian agency.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,382.77, which shall be deposited by the Secretary of the Treasury to the official trust fund checking account of the special disbursing agent of the Rosebud Indian Agency for credit to the individual accounts of the Indians who sustained losses as a result of the embezzlement of their funds by Theodore A. Garnette: *Provided*, That notwithstanding any other provision of existing law the Secretary of the Interior or his authorized representative is hereby authorized to appropriate any funds now or hereafter due Theodore A. Garnette by reason of his status as an Indian and to apply such funds on the indebtedness created by his embezzlement of said public and trust funds.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BOUNDARIES OF WARM SPRINGS INDIAN RESERVATION IN OREGON

The Senate proceeded to consider the bill (S. 845) to define the exterior boundaries of the Warm Springs Indian Reservation in Oregon, and for other purposes,

which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in section 2, on page 2, after line 14, to insert:

Such withdrawal and addition shall be in full satisfaction of all claims of the Confederated Tribes to any lands within the area delimited by present northern and western boundaries of the reservation and by the northern and western boundaries of the reservation as extended and defined by this act, and shall be in consideration of the relinquishment of the tribes of any such claims. The United States shall hold the lands transferred for the sole benefit and use of the Indians of the Warm Springs Reservation as if they had become a part of the reservation pursuant to the treaty of June 25, 1855 (12 Stat. 933).

The amendment was agreed to.

The next amendment was, on page 3, to add a new section, as follows:

SEC. 3. Upon the enactment of this act, the Confederated Tribes shall abandon all further proceedings in the Court of Claims in the action which was brought by the tribes pursuant to the provisions of the act of December 23, 1930 (46 Stat. 1033), and in which a judgment was rendered November 3, 1941 (*Warm Springs Tribe of Indians v. United States*, 95 Ct. Cl. 23). The Secretary of the Interior shall determine the proper fees to be paid to the attorneys of the Confederated Tribes as full compensation for services rendered and amounts necessarily expended by them in representing the tribes in such action. Such fees shall be paid out of the tribal funds of the Confederated Tribes.

The amendment was agreed to.

Mr. CORDON. Mr. President, I ask that the bill be passed over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

ACQUISITION OF CERTAIN INDIAN LANDS FOR GRAND COULEE DAM AND RESERVOIR

The Senate proceeded to consider the bill (S. 1597) to amend section 1, act of June 29, 1940 (54 Stat. 703), for the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes, which had been reported from the Committee on Indian Affairs, with amendments.

The first amendment of the Committee on Indian Affairs was, on page 1, line 5, after the word "construction", to strike out "of."

The amendment was agreed to.

The next amendment was, on page 2, line 16, after the word "any", to insert "such."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first paragraph of section 1 of the act approved June 29, 1940 (54 Stat. 703), be amended to read as follows: "That, in aid of the construction, operation, and maintenance of the Columbia Basin project (formerly the Grand Coulee Dam project), authorized by the act of August 30, 1935 (49 Stat. 1028), the act of August 4, 1939 (53 Stat. 1187), and the Columbia Basin Project Act (Public, No. 8, 78th Cong. 1st sess., 57 Stat. 14), there is hereby granted to the United States, subject to the provisions of this act, (a) all the right, title, and interest of the Indians in and to the

tribal and allotted lands within the Spokane and Colville Reservations, including sites of agency and school buildings and related structure and unsold lands in the Klaxta town site, as may be designated thereafter by the Secretary of the Interior from time to time: *Provided*, That no lands shall be taken for reservoir purposes above the elevation of 1,310 feet above sea level as shown by General Land Office surveys, except in Klaxta town site and except where in the judgment of the Secretary of the Interior, special circumstances concerning the reservoir or its operation and maintenance require the taking of land above that elevation; and (b) such other interests in or to any such lands and property within these reservations as may be required and as may be designated by the Secretary of the Interior from time to time for the construction of pipe lines, highways, railroads, telegraph, telephone, and electric-transmission lines in connection with the project, or for the relocation or reconstruction of such facilities made necessary by the construction of the project."

DISPOSITION OF PERSONAL PROPERTY OF JACKSON BARNETT, DECEASED CREEK INDIAN

The bill (S. 1710) to authorize the sale and conveyance of certain property of the estate of Jackson Barnett, deceased Creek Indian, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell and convey any or all of the property hereinafter described, upon such terms and conditions as he shall prescribe: Lot 2 of tract No. 8553, as shown on map recorded in book 105, pages 22 and 23 of maps, and the southerly 40 feet of lot 20 and all of lot 21 of tract No. 3446, as shown on map recorded in book 37, page 84 of maps, in the office of the county recorder of Los Angeles County, Calif., together with all improvements thereon, and all furniture, fixtures, and personal property, belonging to the estate of Jackson Barnett, located in or on said real property.

HELEN HALVERSON

The Senate proceeded to consider the bill (S. 1731) for the relief of Helen Halverson, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$5,000" and insert "\$3,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Helen Halverson, of Kimball, S. Dak., the sum of \$3,000, in full satisfaction of her claims against the United States for compensation for personal injuries sustained by her, and for reimbursement of medical, hospital, and other expenses incurred by her, as a result of an accident which occurred when the bicycle which she was riding was struck by a United States Navy vehicle on St. Simons Island, Ga., on April 3, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MR. AND MRS. JOHN BORREGO AND OTHERS

The Senate proceeded to consider the bill (S. 1605) for the relief of Mr. and Mrs. John Borrego and Mr. and Mrs. Joe Silva, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, after the word "of" to strike out "Santa Ana, Calif., the sum of \$", in full satisfaction of their claims against the United States for compensation for the deaths of their minor daughters, Faith Borrego and Rosealva Borrego, and for personal injuries sustained by their minor son, Frank Borrego, as a result of an explosion which occurred when an Army airplane crashed near Huntington Beach, Calif., on June 27, 1943; and (2) to Mr. and Mrs. Joe Silva, of Santa Ana, Calif., the sum of \$, in full satisfaction of their claims against the United States for compensation for the deaths of their minor daughters, Frances Silva and Mary Silva, and for personal injuries sustained by their minor sons Rueben Silva and Rudolph Silva, as a result of such explosion," and insert "Garden Grove, Calif., the sum of \$6,622.48, in full satisfaction of their claims against the United States for medical and hospital expenses incurred by them for the treatment of their minor children, Rosealva Borrego, Faith Borrego, and Frank Borrego, and for compensation for their deaths; (2) to Mr. and Mrs. Joe Silva, of Garden Grove, Calif., the sum of \$6,732.48, in full satisfaction of their claims against the United States for medical and hospital expenses incurred by them for the treatment of their minor children, Mary Silva, Frances Silva, Rueben Silva, and Rudolph Silva, for burial expenses for Mary Silva and Frances Silva, and for compensation for their deaths; and (3) to the legal guardian of Frank Borrego the sum of \$1,000, to the legal guardian of Rueben Silva the sum of \$1,000, and to the legal guardian of Rudolph Silva the sum of \$1,000, in full satisfaction of all claims against the United States for personal injuries sustained by the said Frank Borrego, Rueben Silva, and Rudolph Silva; all as a result of an explosion which occurred when an Army airplane crashed near Huntington Beach, Calif., on June 27, 1943", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to Mr. and Mrs. John Borrego, of Garden Grove, Calif., the sum of \$6,622.48, in full satisfaction of their claims against the United States for medical and hospital expenses incurred by them for the treatment of their minor children, Rosealva Borrego, Faith Borrego, and Frank Borrego, for burial expenses for Rosealva Borrego and Faith Borrego, and for compensation for their deaths; (2) to Mr. and Mrs. Joe Silva, of Garden Grove, Calif., the sum of \$6,732.48, in full satisfaction of their claims against the United States for medical and hospital expenses incurred by them for the treatment of their minor children, Mary Silva, Frances Silva, Rueben Silva, and Rudolph Silva, for burial expenses for Mary Silva and Frances Silva, and for compen-

sation for their deaths; and (3) to the legal guardian of Frank Borrego the sum of \$1,000, to the legal guardian of Rueben Silva the sum of \$1,000, and to the legal guardian of Rudolph Silva the sum of \$1,000, in full satisfaction of all claims against the United States for personal injuries sustained by the said Frank Borrego, Rueben Silva, and Rudolph Silva; all as a result of an explosion which occurred when an Army airplane crashed near Huntington Beach, Calif., on June 27, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mr. and Mrs. John Borrego; Mr. and Mrs. Joe Silva; the legal guardian of Frank Borrego; the legal guardian of Rueben Silva; and the legal guardian of Rudolph Silva."

RAU MOTOR SALES CO.

The bill (S. 1501) for the relief of the Rau Motor Sales Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Rau Motor Sales Co., of Harrold, S. Dak., the sum of \$250, in full satisfaction of its claim against the United States for reimbursement of the amount paid by the said company in settlement of its liability to the United States under contract No. I-1-Ind-19827 covering the procurement of a school bus for the Department of the Interior, such contract having been awarded to the said company despite a request made by it prior to the awarding of such contract that its bid thereon be canceled because of an error made in computing the price quoted in such bid: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RUTH COE

The bill (H. R. 3114) for the relief of Ruth Coe was considered, ordered to a third reading, read the third time, and passed.

MRS. MAE SCHEIDEL AND OTHERS

The bill (H. R. 2008) for the relief of Mrs. Mae Scheidel, Mr. Fred Scheidel, Mr. Charles Totten, and Miss Jean Scheidel, was considered, ordered to a third reading, read the third time, and passed.

MRS. MILDRED MAAG

The bill (H. R. 2711) for the relief of Mrs. Mildred Maag was considered, ordered to a third reading, read the third time, and passed.

O. W. JAMES

The Senate proceeded to consider the bill (H. R. 2303) for the relief of O. W. James, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$500" and insert "\$660."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISPOSITION OF PROCEEDS OF JUDGMENT BY THE MENOMINEE TRIBE OF INDIANS

The joint resolution (H. J. Res. 166) to provide for the disposition of the proceeds to accrue as a result of the interlocutory judgment of the Court of Claims in the suit brought against the United States by the Menominee Tribe of Indians and for other purposes was announced as next in order.

Mr. DANAHER. Mr. President, may we have an explanation of the joint resolution?

Mr. LA FOLLETTE. Mr. President, the joint resolution is designed to take care of a situation which has arisen in connection with the decisions of the Court of Claims under an act passed in 1935, giving the Menominee Tribe of Indians the right to test their claims against the Government in the Court of Claims.

This reservation was created in 1854, and a large timber mill was established in 1908, under a bill which my father sponsored, to provide for the management of the valuable timberlands in the reservation by and for the Indians on a continuous-yield or selective-cutting basis. This is one of the few tribes in the United States which are self-supporting. It so happened that there were certain so-called swamplands which the Indians believed—and I believe it is a fact—were ceded to them under a treaty. The lands are checkeroarded in the reservation. Subsequently it developed that those lands belonged to the State of Wisconsin under a decision rendered concerning similar lands in the State of Minnesota.

The Indians have prosecuted several cases and have obtained interlocutory judgments in three of them. It is very desirable, from the standpoint of the future economic operation of the timber on the reservation, that the swamplands which the United States gave to the Indians under the treaty, but which the Supreme Court said later belonged to the State, should come into the possession of the Indians in order that the checkerboarded areas involved in the swamplands may become an integral part of the reservation. It will greatly increase their timber holdings, and will enable them, we believe, if fire is kept out, to continue for many generations as self-respecting, self-supporting people, operating on the basis of their own natural resources.

All the joint resolution seeks to do is to permit the proceeds which the Court of Claims has found are due the Indians to be utilized to buy the swampland from

the State of Wisconsin, and thus round out the reservation and get rid of the checkerboarded area. In order to do that it is necessary to provide that claims against the Indians for gratuities shall not be set off against this particular judgment.

There are other cases pending. The Department of Justice and the Department of the Interior are satisfied that the Government's claims can be fully offset against the results of the verdicts in the other cases. After long negotiations a price has been agreed upon which is satisfactory to the land commissioners of the State of Wisconsin, to the Department of Justice, to the Indian Bureau, and to the Department of the Interior. It is also satisfactory to, and has been approved by, the tribe.

I wish to say, Mr. President, that I think the tribe has shown great wisdom in desiring that the cash should be utilized for the purpose of increasing the base upon which its economic livelihood depends, rather than to have the money placed in its fund in the Treasury.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. DANAHER. As I understand, the amount involved is \$1,767,000 plus.

Mr. LA FOLLETTE. That is correct.

Mr. DANAHER. The original act under which the action is brought authorized attorneys' fees up to 10 percent of the amount of the judgment.

Mr. LA FOLLETTE. It authorizes not to exceed 10 percent. It contains the usual standard attorneys' fees provision, which has been written into bills of this character for many years.

Mr. DANAHER. Mr. President, if the Senator will yield, I have one further question.

Mr. LA FOLLETTE. I yield.

Mr. DANAHER. In the joint resolution, as it came from the House, I note the following language:

In rendering final judgment under this section—

Meaning section 5—

the court may redetermine the amount of the attorneys' fees.

Does the Senator from Wisconsin understand that language to apply to a possible reduction of the allowed maximum of 10 percent?

Mr. LA FOLLETTE. I have no way of knowing what the court will do in this connection. However, I may say to the Senator from Connecticut that in this case the joint resolution does not extend, broaden, or liberalize in any respect whatever the present policy with respect to attorneys' fees. It takes cognizance of the fact that the attorneys have had to spend a great deal of time—the value of which the court will, of course, ultimately determine—in connection with all the negotiations which had to take place. The attorneys affected are the regularly constituted attorneys for this tribe.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. LA FOLLETTE. I yield.

Mr. DANAHER. The way the language reads in the House joint resolution, if the court is authorized to redetermine the amount of attorneys' fees it may redetermine the amount upward as well as downward. Ten percent of \$1,700,000-odd is \$170,000 plus, which is a very considerable fee. I wonder if it is the Senator's understanding that the court, under this joint resolution, would be authorized to increase the fee hitherto permitted to the attorneys under the original act.

Mr. LA FOLLETTE. The full purpose of this language, as I understand, is to permit the court to take into consideration the additional professional services which have been rendered in connection with the entire transaction. I think the Senator may rest assured that the court will not allow any excessive fees. As I understand, the record of the Court of Claims is not one of allowing unconscionable fees. The attorneys are entitled to have the matter reconsidered in the light of developments which have taken place, and the necessity of their rendering professional services, which were not in the purview of the original determination of the court.

Mr. DANAHER. I thank the Senator.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 166) to provide for the disposition of the proceeds to accrue as a result of the interlocutory judgment of the Court of Claims in the suit brought against the United States by the Menominee Tribe of Indians and for other purposes, which had been reported from the Committee on Indian Affairs with amendments, on page 2, line 10, after "and (b)", to strike out "\$1,420,836.03" and insert "\$1,767,616.11"; and on page 4, line 23, after the word "within", to strike out "three years" and insert "one year."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The preamble was agreed to.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks, the report of the committee, together with a letter dated May 24, 1944, from Hon. Francis Biddle, Attorney General of the United States.

There being no objection, the report (No. 838) and the letter were ordered to be printed in the RECORD, as follows:

The Committee on Indian Affairs, to whom was referred the House joint resolution (H. J. Res. 166) to provide for the disposition of the proceeds to accrue as a result of the interlocutory judgment of the Court of Claims in the suit brought against the United States by the Menominee Tribe of Indians, and for other purposes, having considered the same, report favorably thereon with two amendments and recommend that the joint resolution, as amended, do pass.

The amendments are as follows:

On page 2, lines 10 and 11, strike the figures "1,420,836.03" and in lieu thereof insert the figures "1,767,616.11."

On page 4, line 22, strike the words "3 years" and in lieu thereof insert "1 year."

PURPOSE OF THE BILL

This bill sets up the mechanics and procedure by which the United States may carry out a treaty obligation to the Menominee Indians which has now been adjudicated in favor of said Indians by the Court of Claims.

It has favorable reports from the Departments of Interior and Justice, the Bureau of the Budget, and has the approval of the Menominee Indians and the unanimous endorsement of your committee.

The treaty obligation and the procedure devised for its fulfillment may be summarized as follows:

On May 12, 1854, the United States entered into a treaty with the Menominee Indians (10 Stat. 1064) by which, in exchange for the surrender of extensive areas of land to the United States, the United States agreed to set apart and forever hold as a reservation for the Menominee Indians 12 townships of land, which were specifically described. Later the Indians ceded 2 of these townships to the United States, retaining 10 for their reservation. Subsequently the State of Wisconsin claimed title to all the swamplands located within the remaining 10 townships, by virtue of the Swamp Land Act of September 28, 1850 (9 Stat. 519), which ceded to the States all swamplands within their respective borders. (Legally swamplands constitute those legal subdivisions of land which are preponderantly swamp; consequently large acreages of these swamplands are actually non-swamp in character.) The claim of Wisconsin was resisted by the United States, resulting in a controversy between the United States and the State of Wisconsin, which persisted for nearly fourscore years and which 2 different commissions failed to settle.

Finally, in 1925, the United States Supreme Court in *Minnesota v. United States* (270 U. S. 181), which involved a similar dispute between the State of Minnesota and the United States, held that the Swamp Land Act of 1850 effected a gift in present of all swamplands in the respective States and that any subsequent conveyance of these swamplands to Indian tribes by the United States was of no effect. In reliance on that decision the United States dismissed an original suit which it had filed in the Supreme Court against Wisconsin involving the very swamplands here involved.

The Supreme Court, having thus decided that as between Wisconsin and the United States the former owned the swamplands, Congress by act of September 3, 1935 (49 Stat. 1085), authorized the Menominee Indians to sue the United States to determine whether, because of failure to obtain such lands, the Indians were entitled to recover the present acquisition value thereof from the United States.

In litigation instituted pursuant to the act of Congress, the Court of Claims has now held that the Indians are entitled to recover from the United States (95 C. Cls. 232) the value of timber removed from these swamplands and the present acquisition cost of such lands, including the value of the timber attributable thereto.

Under the jurisdictional act, the United States, in lieu of paying a cash judgment representing the present acquisition cost of the land, may acquire and hold said swamplands (comprising 33,870.23 acres) in trust for the sole benefit and use of the plaintiff tribe of Indians. This alternative is very desirable since the timbered swamp areas involved are widely scattered throughout the Indians' reservation, and should properly be made a part thereof as was originally contemplated by the

treaty. The sale of these lands to anyone else would seriously complicate the logging and lumbering operations conducted on the reservation by the Government for the Indians. Without these lands, it would be difficult to continue to operate the forests on a sustained-yield basis as contemplated by existing law (act of Mar. 28, 1908, 35 Stat. 51). On the other hand, the acquisition of these lands for the Menominee Tribe would increase the value of their timbered lands and be of substantial help to the tribe in enabling it to continue to be self-supporting, and thus not be required to ask for help from the Public Treasury. (The Menominee Tribe is one of the few tribes that are self-supporting, even paying for its own education.)

The jurisdictional act, however, does not set up any procedure for the acquisition of these lands. Furthermore, although it was evidently intended under that act that the United States might use the judgment money to acquire the lands in behalf of the tribe, it is possible, because of other broad language in the present act, that the United States may set off against the judgment the amount of all gratuities expended for the benefit of these Indians since March 28, 1908. If this were done, even though the amount of gratuities expended for the tribe may be relatively small, the net amount of the judgment would be insufficient to permit the United States to exercise the desired alternative.

The proposed bill would remedy this situation (1) by providing for the purchase of the swamplands for the Indians instead of paying them a monetary judgment, and by (2) providing that gratuities, if any, given to the tribe by the United States shall be deferred and applied against judgments obtained in other suits of the Menominee Tribe now pending, and not be offset against the present judgment. The United States will not thereby be deprived of these offsets, for the Court of Claims has already rendered judgment against the United States in two other suits against which the United States may deduct its offsets.

This solution of the litigation, as above indicated, meets with the approval of the Department of Justice, which has been defending the suit, and which will not take any appeal from the present judgment.

The bill, as it came from the House of Representatives, provided that the acquisition cost of the land was \$1,420,836.03. That valuation was based on a survey and timber cruise made in 1929-30 by the State of Wisconsin. After the bill was acted upon by the House, the State of Wisconsin completed its tabulation of a cruise made by it, with the assistance of the Forest Service of the Department of Agriculture, as late as September of 1943, which showed considerable more timber than was revealed by the 1929-30 cruise, occasioned, no doubt, by (1) greater utilization at present, and (2) the intervening growth.

On the basis of this up-to-date cruise and after conferences between the attorneys for the Indians, representatives of the Departments of the Interior and Justice, and the commissioners of public lands of the State of Wisconsin, as more fully explained in a letter of the Secretary of the Interior dated April 25, 1944, attached hereto, it was determined that a fair acquisition cost for the swamplands is \$1,767,616.11, which it is admitted is less than the timber would bring if it were sold upon the present market at present prices.

The commissioners of public lands of Wisconsin have made a formal offer in writing to the Secretary of the Interior to sell the land for that sum, less such attorneys' fees as are allowed out of the judgment by the Court. This new sum has been accepted as an amendment to the bill by your committee.

A copy of said written offer, dated April 14, 1944, is attached hereto and made a part of this report.

The reports of the Secretary of the Interior, the Attorney General, and the Bureau of the Budget on the proposed legislation are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 16, 1943.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: Transmitted herewith is a draft of a proposed bill to authorize the use of the proceeds of a judgment against the United States in favor of the Menominee Indians for the purchase from the State of Wisconsin of swamplands within the exterior boundaries of the Menominee Indian Reservation. I request that the proposed bill be placed before the Congress for favorable consideration.

Congress, by the act of September 3, 1935 (49 Stat. 1085), as amended by the act of April 8, 1938 (52 Stat. 208), conferred jurisdiction on the Court of Claims to hear and determine suits brought pursuant to such legislation by the Menominee Indians against the United States. One of the suits filed in that court, No. 44294, alleged that the United States failed to convey certain swamplands to the Menominee Indian Tribes as provided by a treaty of May 12, 1854 (10 Stat. 1064). After trial of the case, the court found that the United States had failed to cede to the plaintiff Indians certain lands within the Menominee Indian Reservation classified as swamplands. The court further found that the reason for this failure to fulfill the treaty was that these lands had been conveyed by the United States to the State of Wisconsin under the Swamp Land Act of September 28, 1850 (9 Stat. 519). The court concluded as a matter of law that under the terms of the jurisdictional act the plaintiff Indians were entitled to recover, subject, however, to deductions of offsets, if any, the value of the timber removed from the swamplands since May 12, 1854, together with 4 percent interest thereon, and also the present acquisition cost of these lands. According to a stipulation of facts filed by the attorneys for the plaintiff and the defendant in this case, the Menominee Tribe is entitled to recover \$13,666.80 (including interest) for timber removed from the swamplands and \$1,420,836.03 for the acquisition cost of 33,870.23 acres of swamplands, including the value of the timber remaining thereon, or a total sum of \$1,434,502.83.

Under the jurisdictional act, the United States may, in lieu of paying that part of the cash judgment which represents the purchase price of the aforesaid 33,870.23 acres of land, acquire and hold said lands in trust for the sole benefit and use of the plaintiff tribe of Indians. This alternative is very desirable since the timbered swamp areas involved are widely scattered throughout the Indians' reservation, and should properly be made a part thereof as was originally contemplated by the treaty. It would facilitate the logging and lumbering operations conducted by the Government for the Indians. Without these lands, it would be difficult to continue to operate the forests on a sustained-yield basis. The Indians of the Menominee Tribe desire to have this area permanently made a part of their reservation.

The jurisdictional act, however, does not set up any procedure for the acquisition of these lands. Furthermore, under that act it is possible that the United States may set off against the judgment the amount of all gratuities expended for the benefit of these Indians since March 28, 1908. If this were done, even though the amount of gratuities expended for the tribe may be relatively small, the net amount of the judgment would be insufficient to permit the United States to

exercise the desired alternative. The proposed bill would remedy this situation by providing that no gratuities shall be offset against the judgment in this case but that such offsets, if any, shall be deferred and applied against other suits of the Menominee Tribe now pending or hereafter brought in the Court of Claims. It provides for the purchase of the land for the Indians instead of paying them a monetary judgment. Further, the acquisition of these lands for the Menominee Tribe of Indians would increase the area and the value of the timbered lands of the reservation, thereby enabling the Indians to continue to be self-supporting.

I am informed that this solution of the litigation meets with the approval of the Department of Justice, which has been defending the suit. I understand that it also meets with the approval of the State of Wisconsin which owns the swamplands in question. The attorneys for the plaintiff and the defendant in this case have conferred with the land commissioners of Wisconsin who have jurisdiction over these swamplands and who have indicated that if the judgment money should be made available for the purchase, they would be agreeable to the sale of the lands. The money which would be paid to the State of Wisconsin for these lands would, under the State's constitution, go into the educational fund of that State.

During the 89 years that have elapsed since the Treaty of 1854 with the Menominee Indians, many attempts to settle the matter have failed because there was no judicial determination that the United States had violated its treaty obligations. That judicial determination now having been made, it is recommended that Congress enact the proposed legislation so that this claim can be settled promptly.

The Bureau of the Budget has advised me that there is no objection to the presentation of this proposed legislation to the Congress.

Sincerely yours,

ABE FORTAS,

Acting Secretary of the Interior.

Correspondence from the Attorney General is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., October 5, 1943.
Hon. JAMES F. O'CONNOR,
Chairman, Committee on Indian
Affairs, House of Representatives,
Washington, D. C.

MY DEAR MR. O'CONNOR: At the request of the House Committee on Indian Affairs, I am transmitting herewith copies of letters dated August 31 and September 9, from the Attorney General, addressed to the Director of the Bureau of the Budget. The amendments proposed in these communications were all incorporated in the measure before it was introduced as House Joint Resolution 166.

Sincerely yours,

OSCAR L. CHAPMAN,
Assistant Secretary.

AUGUST 31, 1943.

Hon. HAROLD D. SMITH,
Director, Bureau of the Budget,
Washington, D. C.

MY DEAR MR. SMITH: This refers to the letter of F. J. Bailey, assistant director, legislative reference, dated August 7, 1943, requesting my views on a proposed joint resolution to provide for the disposition of the proceeds to accrue as a result of the interlocutory judgment of the Court of Claims in the suit brought against the United States by the Menominee Tribe of Indians, and for other purposes, and an accompanying explanatory letter from the Department of the Interior in respect thereto.

In the case of *The Menominee Indians v. United States*, No. 44294, filed in the Court of Claims pursuant to the provisions of the act

of September 3, 1935 (49 Stat. 1085), as amended, it was alleged that the United States had failed to convey certain swamplands to the Menominee Indians as provided by the treaty of May 12, 1854 (10 Stat. 1064). Upon trial of the case the Court of Claims found that the United States had failed to cede to the plaintiff Indians certain lands scattered throughout the Menominee Indian Reservation and classified as swamplands and that the reason for this failure to fulfill the terms of the treaty was because the lands in question had been conveyed by the United States to the State of Wisconsin under the Swamp Land Act of September 28, 1850 (9 Stat. 519). The court concluded as a matter of law that the plaintiff Indians were entitled to recover, among other things and subject to the deduction of offsets, if any, the present acquisition cost of these lands.

Under the terms of the jurisdictional act, the United States may, in lieu of paying that part of the judgment representing the acquisition cost of the aforesaid lands, acquire and hold the lands in trust for the sole benefit and use of the plaintiff Indians. The jurisdictional act, however, fails to set up any procedure for the acquisition of these lands, and under the terms of the act the court must set off against the judgment the amount of all gratuities expended since March 28, 1908, by the United States for the benefit of the plaintiff Indians. Counsel representing the plaintiff Indians and the United States have filed stipulations of fact in which it is agreed that the present acquisition cost of the aforesaid lands amounts to \$1,420,836.03. It is understood that the lands may be acquired from the State of Wisconsin, the present owner, with money to become available from a judgment in this amount. In the event, however, that gratuities expended for the benefit of the plaintiff Indians are set off against this figure, the net amount of the judgment would be insufficient to permit the United States to exercise the alternative mode of settlement provided in the jurisdictional act.

The proposed legislation would provide a procedure for carrying out the alternative mode of settlement provided in the jurisdictional act by authorizing offsets against the judgment in case No. 44294 to be deferred to other or subsequent suits by the Menominee Indians against the United States and by authorizing the Secretary of the Interior to acquire the lands in question from the proceeds of said judgment.

The satisfaction of the judgment by the acquisition of land to be held in trust for the plaintiff Indians rather than by a cash payment to them presents a matter primarily involving the administration of Indian Affairs with which this Department is not ordinarily concerned. The accompanying explanatory letter of the Department of the Interior presents persuasive reasons supporting this alternative mode of settlement and no objection to it is perceived. Before the proposed legislation is presented to the Congress, however, I believe the following changes in it should be made:

On page 1, line 3, of the first introductory clause strike the words "jurisdiction conferred by" and insert in lieu thereof the words "the provisions of."

On page 2, section 1, strike all of the clause after the semicolon beginning "and no offsets * * *" to the end of the section and insert in lieu thereof the following: "and no offsets, including gratuities, shall be allowed to the United States in determining the amount of such judgment, but any such offsets which the United States may have, including gratuities, may be pleaded and allowed in any other suit now pending or hereafter to be brought by the Menominee Tribe of Indians against the United States."

On page 3, section 4, strike the period at the end of the first sentence and insert a semicolon and the words "said appropriation to be disbursed by the Secretary of the Interior as herein provided."

On page 3, section 4, between the words "attorneys' fees" and "shall" in the second sentence insert the words "in the same ratio that the total amount of attorneys' fees bears to the total amount of the judgment."

On page 5, section 5, in the last sentence strike the words "surplus fund" and insert in lieu thereof the words "General Fund."

In accordance with the request contained in Mr. Bailey's letter of August 7, 1943, the draft of proposed legislation and accompanying explanatory letter there enclosed are herewith returned.

Respectfully,

FRANCIS BIDDLE,
Attorney General.

SEPTEMBER 9, 1943.

HON. HAROLD D. SMITH,
Director, Bureau of the Budget,
Washington, D. C.

MY DEAR MR. SMITH: This refers to my letter of August 31, 1943, relating to a proposed joint resolution to provide for the disposition of the proceeds to accrue as a result of the interlocutory judgment of the Court of Claims in the suit brought against the United States by the Menominee Tribe of Indians, and for other purposes, submitted by the Secretary of the Interior. The proponents of the proposed legislation fear that the amendment suggested by this Department to section 1 might be construed as repealing the provision in section 3 of the act of September 3, 1935 (49 Stat. 1085, 1086), that "no gratuities, however, paid to or expended for said tribe or members thereof prior to the act of Congress of March 28, 1908 (35 Stat. L. 51) * * * shall be pleaded by the United States as offsets."

It is not intended by the proposed amendment to repeal this provision. I, therefore, suggest that the amendment proposed to section 1, as set forth on page 2 of my letter of August 31, 1943, be changed to read as follows: "and no offsets, including gratuities, shall be allowed to the United States in determining the amounts of such judgment, but any offsets which the United States may have, including gratuities, as defined in section 3 of the act of September 3, 1935 (ch. 839, 49 Stat. 1085), as amended, may be pleaded and allowed in any other suit now pending or hereafter to be brought by the Menominee Tribe of Indians against the United States."

Respectfully,

FRANCIS BIDDLE,
Attorney General.

The report of the Secretary of the Interior with respect to the amendment added by your committee, increasing the acquisition cost of the swamplands from \$1,420,836.03 to \$1,767,616.11, follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 25, 1944.

HON. ELMER THOMAS,
Chairman, Committee on Indian
Affairs, United States Senate.

MY DEAR SENATOR THOMAS: This letter is in response to your request of April 19 for the views of this Department on the amendment proposed by Senator LA FOLLETTE to House Joint Resolution 166, which would increase the present acquisition cost of swamplands within the Menominee Reservation from \$1,420,836.03 to \$1,767,616.11. I recommend that the amendment be adopted.

The original sum of \$1,420,836.03 was based, as to volume of timber, on a timber cruise of the swamplands in the Menominee Reservation made by foresters for the State of Wisconsin in 1929-30, which was checked by the Indian Office and found not to overstate the volume of the timber on that land, and was

based, as to prices for the several species of timber, on the prices prevailing on June 1, 1942. At the time this sum was incorporated in the proposed bill submitted by this Department to the Congress, the commissioners of public lands of the State of Wisconsin, who have exclusive and full power to sell the lands, had tentatively indicated that they would be willing to conclude a sale at this figure. At a later date the commissioners felt obliged to make a further cruise for the purpose of checking the cruise made in 1929 and of determining the present volume.

Accordingly, in September of 1943, another cruise was made of some 62 of the most heavily wooded 40-acre tracts on the reservation which, we are informed, were selected at random throughout the entire area of swamp-lands, in such a manner as to make the cruise a representative one. This cruise was made by cruisers of the Forest Service of the United States Department of Agriculture, cruisers of the Land Conservation Commission of the State of Wisconsin, and cruisers representing the commissioners of public lands of the State of Wisconsin.

Each of these three groups of cruisers found that the respective tracts which they cruised in 1943 had considerably more timber on them than was shown by the cruise made in 1929-30. The largest overrun was obtained by the cruisers of the Forest Service of the Department of Agriculture. The average overrun and underrun of timber found by the cruisers in September 1943, as compared with the 1929-30 cruise, is as follows:

	Percent
White pine, overrun.....	57.90
Norway pine, overrun.....	43.10
Hemlock, underrun.....	6.84
Yellow birch, underrun.....	1.48
Basswood, overrun.....	50.00
Maple, overrun.....	13.19
Elm, overrun.....	126.79
Oak, overrun.....	11.95
Ash, overrun.....	94.38

The above nine species represent the principal species of sawlog timber found on the reservation. The 1943 cruise did not attempt to make a complete check of other minor species, nor of the pulpwood, posts, and poles, as reflected by the 1929-30 cruise.

This Department is also advised by the commissioners of the public lands that during the calendar year 1943 they sold stumpage of the same species from other State-owned land for which they received prices greatly higher than those prevailing in June 1942.

The prices used as the basis for the first figure of \$1,420,836.03 and the average prices per thousand feet, board measure, at which the commissioners of public lands sold timber during the year 1943 are as follows:

	Agreed price June 1942 figures	Average price 1943
White pine.....	\$12.44	\$18.49
Norway pine.....	8.78	25.85
Birch.....	17.60	27.83
Hemlock.....	5.18	5.74
Basswood.....	13.26	18.08
Maple.....	9.30	11.29
Elm.....	7.50	12.30
Oak.....	12.89	10.00
Ash.....	7.00	10.36

If the same percentage of overrun, found in September of 1943 to prevail on the sixty-two 40-acre tracts with respect to the above nine species, is applied to the volume of timber of these same species found by the 1929-30 cruise to be attributable to the entire 33,870.23 acres of swampland, and if no allowance is made for overrun either on the remaining species of saw timber, or on pulpwood, posts, or ties, the acquisition cost of the land and timber attributable to this

acreage, based on 1942 prices, is \$1,767,616.11. If, instead of using the 1942 prices, the 1943 prices should be used, the acquisition cost of the land and timber attributable to this acreage would be in excess of \$2,000,000.

The commissioners of public lands of Wisconsin have informed this Department that the combination of increased volume and advanced prices has made it impossible for them now to accept the acquisition cost of \$1,420,836.03 which had been set in the original bill.

Instead, on April 14, 1944, the commissioners of public lands, after conferring in Washington, D. C., with representatives of this Department, the Department of Justice, and the attorneys for the Menominee Indians, addressed a letter to the Secretary of the Interior offering to sell the land in question for the sum of \$1,767,616.11, which is the sum specified in the La Follette amendment, less such amount as the Court of Claims may award as compensation to the attorneys for the Menominee Indians. The offer provides that it shall terminate if the Congress shall fail to pass the proposed legislation within 1 year of the date of the offer. A copy of the commissioners' letter is attached hereto.

The price of \$1,767,616.11 seems to be a reasonable figure for the present acquisition cost of the lands. It takes into consideration the increased volume of timber found by the 1943 cruise but holds to the 1942 prices. Even if the volume found by the State of Wisconsin in 1929-30 were not changed, still the State would probably receive more than this sum if the timber were now sold at present-day prices. Consequently, this Department feels that this figure represents a fair compromise basis for a settlement with Wisconsin.

The Court of Claims has found that the United States agreed in 1854 to convey these lands to the Indians. They constitute an integral part of the Menominee Reservation, on which extensive logging operations are being conducted for the Menominee Indians under the act of March 28, 1908 (35 Stat. 51). Economical and efficient management of this enterprise could not be accomplished if these swamplands should be sold to outside interests. The swampland areas are so widely scattered throughout the reservation that the ascertainment by the Indians and the outside interests of the identity of their respective land and timber holdings would cause no end of difficulties. Furthermore, a sale of these swamplands to outside interests would undoubtedly result in the clear cutting of these lands on a scale and in a manner that would not conform to the policy of selective cutting which is being practiced on the reservation under the act of March 28, 1908, supra. Moreover, clear cutting of the swamplands would create a tremendous fire hazard to all the timber on the reservation.

At the present time all logging operations on the reservation are being conducted on a sustained-yield basis and only a portion of the mature timber is being removed. The commissioners of public lands of Wisconsin have stated that they greatly prefer to sell these lands to the United States rather than to outside interests, because, with the type of logging operations now employed, the forest on these lands will be preserved, both for the economic use of the Indians and as a scenic attraction of great beauty for all the citizens of Wisconsin. A sale of this land to private operators would completely upset the plan of this Department to preserve the reservation intact and would also seriously interfere with this Department's plan of forest management, possibly requiring a diminution of the annual cut from 20,000,000 feet to 15,000,000 feet with resultant partial closing of the Menominee mills and unemployment for the Indians.

The immediate termination of the controversy, which has continued for nearly a cen-

tury, will make the timber on these swamp-lands immediately available for cutting as part of the reservation program for war purposes. The War Production Board has been urgently requesting maximum production at the Menominee Indian mills. The timber in question, after it has been acquired, will be manufactured at these mills. The yellow birch on the area is critically needed for airplane construction.

The La Follette amendment would also substitute the words "1 year" for the words "3 years" in line 22 of page 4 of House Joint Resolution 166. Since it is desirable that the purchase be completed as expeditiously as possible, this amendment is not objectionable.

The concluding paragraph of the attached letter from the commissioners of public lands of Wisconsin indicates that if House Joint Resolution 166 is enacted, with the amendment proposed by Senator LA FOLLETTE, and if the sums necessary to carry out its provisions are appropriated in due time, they will quitclaim to the United States all the right, title, and interest of the State of Wisconsin in and to all the swamplands within the Menominee Reservation to which the State is entitled under the swampland laws heretofore enacted by the Congress. With this offer in mind, I recommend that favorable action be taken on House Joint Resolution 166, as proposed to be amended by Senator LA FOLLETTE.

You asked that the views of this Department be submitted immediately, and since it is understood that the amendment will be considered by your committee at a special meeting on April 25, time did not permit the submission of this report to the Bureau of the Budget. The Department has previously reported to the Congress in a letter of September 16, 1943, to the Speaker of the House of Representatives, that the Bureau of the Budget had no objection to the legislation as then submitted.

Sincerely yours,

ABE FORTAS,
Acting Secretary of the Interior.

THE STATE OF WISCONSIN,
COMMISSIONERS OF THE PUBLIC LANDS,
Madison, April 14, 1944.
SECRETARY OF THE INTERIOR,
Washington, D. C.

DEAR SIR: On December 1, 1941, in a suit brought under the jurisdictional act passed by Congress on September 3, 1935 (49 Stat. 1085), as amended on April 8, 1938 (52 Stat. 208), the United States Court of Claims entered an interlocutory judgment in the case of *Menominee Tribe of Indians v. United States*, Docket No. 44294, holding that the Menominee Indians were entitled to recover from the United States the present acquisition cost of swamplands owned by the State of Wisconsin within the Menominee Reservation, but reserved for future proceedings the determination of such acquisition cost and offsets. The interlocutory judgment also provided that the United States may, in lieu of paying such judgment, acquire and hold such lands in trust for the Menominee Tribe.

During the past 2 years extensive negotiations have been had by the representatives of the Departments of Interior and Justice, the attorneys for the Menominee Tribe, and ourselves as commissioners of public lands of the State of Wisconsin, with a view to arriving at an agreement as to the value of the swamplands within the Menominee Reservation and of the timber thereon, in order that the United States might acquire said lands for the Menominee Tribe out of the proceeds of the final judgment to be entered in the suit. We understand that in the absence of further legislation the full sum for which the court will enter judgment will not be available for the purchase of the land because the jurisdictional act under

which the pending litigation was instituted permits the United States to set off against the judgment certain gratuities expended for the benefit of the Menominee Tribe of Indians and also permits attorneys' fees of not to exceed 10 percent of the judgment to be paid therefrom, which fees, in effect, constitute a lien upon the moneys recovered by said judgment.

You have informed us that if we, as the commissioners of public lands of the State of Wisconsin, will make a definite offer to sell the lands to the United States upon terms that are agreeable to you and will hold the offer open until such time as you are in a position to act upon it pursuant to authority conferred by Congress, provided that such authority is conferred within 1 year from this date, you will ask Congress for legislation authorizing the Court of Claims to enter a final judgment, which shall not be subject to diminution because of any gratuities or other offsets, and further authorizing you on behalf of the United States, in lieu of paying the judgment to the tribe, to the cash equivalent of such judgment for the payment of the attorney's lien and the purchase of the swamplands for the tribe.

After fully considering the legal situation as set out above and the further fact that the proposed judgment will constitute the only existing source of funds available to the United States for the purchase of the swamplands, we beg to advise that, in the event you ask Congress to pass legislation directing the court to enter a final judgment in said suit in the amount of \$1,767,616.11 as the present acquisition cost of the lands, and authorizing you to use the proceeds of such judgment, less the amount awarded as attorney fees, to acquire the lands, this commission, on behalf of the State of Wisconsin, offers to sell to the United States all its right, title, and interest to all the swamplands within the Menominee Reservation and to execute a deed therefor for such amount of said judgment of \$1,767,616.11 as remains after the deduction of an amount sufficient to pay the attorney fees. In so advising you, we fully understand that the court may allow attorneys' fees up to 10 percent of the amount of the judgment. This offer shall remain open until such time as you are in a position to act upon it under the terms of the legislation to be requested of Congress, provided, however, that it shall be terminated if Congress shall fail to pass such legislation within 1 year of this date.

Yours very truly,

COMMISSIONERS OF PUBLIC LAND OF THE
STATE OF WISCONSIN,
FRED R. ZIMMERMAN, Secretary of State.
JOHN M. SMITH, State Treasurer.
JOHN E. MARTIN, Attorney General.

MAY 24, 1944.

HON. ELMER THOMAS,
Chairman, Committee on Indian Affairs,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: This is in response to your request for my views concerning certain amendments to be proposed to House Joint Resolution 166, which relates to an action brought by the Menominee Tribe of Indians in the Court of Claims.

Pursuant to authority granted by a special act of Congress approved September 3, 1935 (49 Stat. 1085), the Menominee Tribe of Indians brought an action against the United States in the Court of Claims. An interlocutory judgment was rendered in their favor (95 C. Cls. 232) declaring that certain swamplands, which were in fact the property of the State of Wisconsin, had been ceded by the United States to the Menominee Indians by the treaty of May 12, 1854 (10 Stat. 1064), and that the Indians were entitled to recover the present acquisition costs of the land.

The above-mentioned act of 1935 provided that in the event of a judgment against the

United States, the United States might in lieu of paying the present acquisition costs of the land, acquire and hold the land in trust for the benefit of the Menominee Tribe of Indians.

It was deemed desirable by the Department of the Interior and by this Department to take advantage of this option and to acquire the land for the benefit of the Indians. Negotiations to that end were carried on by the Department of the Interior with the authorities of the State of Wisconsin and a tentative agreement was reached whereby the State of Wisconsin would convey the land to the United States in trust for the Indians in consideration of the payment of the sum of \$1,420,836.03. House Joint Resolution 166 would direct the Court of Claims to enter judgment for this amount in favor of the Indians and to provide that the appropriation made for the payment of the judgment should be available for the purchase of the land.

Subsequently the State of Wisconsin determined not to convey the land except in consideration of the payment of the sum of \$1,767,616.11.

The proposed amendment to House Joint Resolution 166 would substitute the last-mentioned amount for the previous amount of \$1,420,836.03.

It is the view of this Department that the swamplands should be acquired for the Indians from the State of Wisconsin. This Department, however, does not have available any data which would enable it to express an opinion whether the amount proposed to be paid for the land is reasonable. I suggest that the views of the Interior Department on this point be obtained, and if that Department reaches the conclusion that the proposed increased purchase price is proper, I find no objection to the proposed amendment and to the enactment of the joint resolution if so amended.

I have been advised by the Director of the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

FRANCIS BIDDLE,
Attorney General.

FREE MOVEMENT OF DEPENDENTS AND HOUSEHOLD EFFECTS OF MILITARY PERSONNEL

The ACTING PRESIDENT pro tempore. The clerk will state the next bill on the calendar.

The Senate proceeded to consider the bill (S. 1834) to amend sections 4 and 5 of the act entitled "An act providing for sundry matters affecting the Military Establishment," approved June 5, 1942 (56 Stat. 314), with respect to the movement at Government expense, of dependents and household effects, of certain military personnel, which had been reported from the Committee on Military Affairs with an amendment, on page 6, after line 3, to insert the following new section:

SEC. 3. Any funds available for the payment of travel allowances and travel in kind shall be available for the payment of such travel in kind as may be authorized by the Secretary of War for persons administratively discharged for desertion and physical disability.

So as to make the bill read:

Be it enacted, etc., That sections 4 and 5 of the act entitled "An act providing for sundry matters affecting the Military Establishment," approved June 5, 1942 (56 Stat. 314), are amended to read as follows:

"Sec. 4. (a) That any funds available for the payment of travel allowances and travel in kind, shall be available for the payment

of such allowances as are now or may hereafter be authorized for dependents of personnel of the Regular Army, for travel of dependents of personnel of corresponding grades in the Army of the United States while in the service of the United States, and from home to first station and from last station to home when ordered to or relieved from active duty: *Provided*, That the provisions of this subsection shall be applicable to travel performed by dependents on and after September 8, 1939.

"(b) Notwithstanding the authority contained in the succeeding subsections, and in addition thereto, when such military personnel are on duty at places designated by the Secretary of War as within zones from which their dependents should be evacuated for military reasons, dependents of officers, warrant officers, and enlisted men above the fourth grade, and household effects which are authorized to be moved at Government expense, may be moved at Government expense to such locations as may be designated by the Secretary of War or the officer, warrant officer, or enlisted man concerned: *Provided*, That the movement of dependents and household effects pursuant to this subsection shall not constitute a movement or shipment so as to bar a movement or shipment under the provisions of subsections (c) (1) and (c) (2) of this section unless such movement or shipment was made to a place or places designated by the military personnel concerned.

"(c) For the purpose of enabling military personnel to locate their dependents and household effects on a permanent basis during the present wars and to minimize transportation requirements under war conditions, the Secretary of War is authorized to provide, under such restrictions and limitations, including the right to restrict the transportation of dependents of such personnel under section 12 of the Pay Readjustment Act of 1942, as he may by regulations prescribe:

"(1) For the transportation at Government expense of dependents, as defined in the Pay Readjustment Act of 1942, of any officer, warrant officer, or enlisted man above the fourth grade of the Army of the United States from any place or places where such dependents may be situated to any place in the United States designated by such officer, warrant officer, or enlisted man, regardless of whether such persons may be ordered to make a change of station;

"(2) For the transportation at Government expense of all or any portion of the household effects of any officer, warrant officer, or enlisted man above the fifth grade from any place or places where such household effects may be situated to any place in the United States designated by such officer, warrant officer, or enlisted man, regardless of whether such person may be ordered to make a change of station; and

"(3) For the subsequent movement, at such time as the Secretary of War shall determine that the need for restricting the movement of dependents or household effects of military persons has ceased, in whole or in part, of such dependents and household effects at Government expense to any permanent-duty station to which such officer, warrant officer, or enlisted man may be assigned, or at any subsequent time, upon the retirement, relief, or release from active duty or discharge of such person, to his home: *Provided*, That if the subsequent movement of such dependents or household effects as herein provided is made from a point or points other than that to which originally moved under the provisions of (1) or (2) above, the excess cost of such subsequent movement shall be at the expense of such officer, warrant officer, or enlisted man.

"The regulations prescribed by the Secretary of War under this subsection may provide for the payment, when such travel shall

have been completed, in money of an amount equal to the commercial cost of such part of such travel of dependents as may not have been furnished at Government expense.

"(d) Any officer, warrant officer, or enlisted man above the fourth grade of the Army of the United States who, on or after September 1, 1942, and prior to the date of the enactment of this amendatory act, shall have moved his dependents to a place within the United States under the authority of War Department orders, regulations, or directives purporting to authorize such movements at Government expense, shall be entitled to be paid travel allowances covering the entire journey for the travel of such dependents, less the commercial value of transportation furnished or the amount of reimbursement previously received in connection therewith.

"(e) No person shall be deemed, within the meaning of subsection (d) above, to have been furnished transportation for his dependents or to have been paid travel allowances therefor if he has been required to reimburse the Government for such transportation or to repay such travel allowances.

"Sec. 5. That any funds available for the transportation of baggage, household effects, and goods shall be available for the transportation, packing, crating, and unpacking of such baggage, household effects, and goods, in the manner and under such conditions of service of military and civilian personnel as the Secretary of War may prescribe and designate by regulations, and such transportation may be authorized by means of rail, water, or van, without regard to comparative costs."

SEC. 2. Nothing herein shall be deemed to deprive any person of any benefits which have accrued under the said act of June 5, 1942.

SEC. 3. Any funds available for the payment of travel allowances and travel in kind shall be available for the payment of such travel in kind as may be authorized by the Secretary of War for persons administratively discharged for desertion and physical disability.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 4 and 5 of the act entitled 'An act providing for sundry matters affecting the Military Establishment,' approved June 5, 1942 (56 Stat. 314), with respect to the movement at Government expense, of dependents and household effects, of certain military personnel, and for other purposes."

SETTLEMENT OF ACCOUNTS OF DECEASED PERSONNEL OF THE ARMY

The bill (S. 1795) to amend that portion of the act approved June 30, 1906 (34 Stat. 697, 750), authorizing the settlement of accounts of deceased officers and enlisted men of the Army, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the portion of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes", approved June 30, 1906 (34 Stat. 697, 750; 10 U. S. C., 868), relating to the settlement of accounts of deceased officers and enlisted men of the Army, is amended by striking out the words "five hundred" appearing in line 31, page 750, of volume 34 of the United States Statutes at Large, and inserting in lieu thereof the words "one thou-

sand", and by changing the colon after the words "per stirpes" in line 42, page 750, of said Statutes at Large, to a period and adding the following language: "Where the amount due the decedent's estate is \$1,000 or more and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow \$1,000 of the amount due to the estate to the widow or legal heirs in the order of precedence hereinabove set forth."

LT. (JR. GR.) HUGH A. SHIELS, UNITED STATES NAVAL RESERVE

The bill (S. 1837) for the relief of Lt. (Jr. Gr.) Hugh A. Shiels, United States Naval Reserve, was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, this bill and the five bills which follow on the calendar relate to compensation for loss of personal property by persons in the naval service caused by fires.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$215.85 to reimburse Lt. (Jr. Gr.) Hugh A. Shiels, United States Naval Reserve, for the value of personal property lost in a fire in a warehouse used by the Navy at the naval section base, Sand Point, Alaska, on December 17, 1942: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

REIMBURSEMENT OF CERTAIN NAVAL AND MARINE CORPS PERSONNEL FOR PERSONAL PROPERTY LOST OR DAMAGED

The bill (S. 1838) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of fires in quarters occupied by naval construction battalions, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$910.07, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel and former Navy personnel for the value of personal property lost or damaged as the result of fires in quarters occupied by members of the Twelfth Naval Construction Battalion on December 28, 1942, and by members of the Forty-second Naval Construction Battalion on March 29, 1943, respectively: *Provided*, That in the case of the death of any claimant payment may be made to the relative designated by the Secretary of the Navy: *Provided further*, That

no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill (S. 1839) to provide for reimbursement of certain Navy personnel for personal property lost or damaged as the result of a fire in quarters at naval advance base depot, Port Hueneme, Calif., on February 6, 1944, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums amounting in the aggregate not to exceed \$466.24, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel for the value of personal property lost or damaged in a fire in quarters at the naval advance base depot, Port Hueneme, Calif., on February 6, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill (S. 1840) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in the bachelor officers' quarters, naval operating base, Argentia, Newfoundland, on January 12, 1943, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$3,080.61, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel and former Navy personnel for the value of personal property lost or damaged in a fire in the bachelor officers' quarters, naval operating base, Argentia, Newfoundland, on January 12, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill (S. 1841) to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire which occurred on the naval station, Tutuila, American Samoa,

on October 20, 1943, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$7,812.10, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel and former Navy personnel for the value of personal property lost or damaged as the result of a fire which occurred on the naval station, Tutuila, American Samoa, on October 20, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill (S. 1842) to reimburse certain Marine Corps personnel for personal property lost or damaged as the result of a fire at the marine barracks, naval supply depot, Bayonne, N. J., on April 25, 1943, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$1,268.06, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Marine Corps personnel for the value of personal property lost or damaged as the result of a fire at the marine barracks, naval supply depot, Bayonne, N. J., on April 25, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

TEMPORARY APPOINTMENT OF MEMBERS OF ARMY NURSE CORPS AND OTHERS AS OFFICERS IN THE ARMY OF THE UNITED STATES

The bill (S. 1808) to authorize temporary appointment as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in

such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), appointed under the provisions of the act of December 22, 1942 (56 Stat. 1072), and female persons having the necessary qualifications for appointments in such department as female dietetic or physical-therapy personnel under the provisions of the act of December 22, 1942 (56 Stat. 1072), may be appointed as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728), as amended by the act of July 7, 1943 (Public Law 114, 78th Cong.), in the grades therein prescribed, and assigned, respectively, to the Army Nurse Corps and Medical Department of the Army. All persons so appointed and assigned shall have authority in and about military hospitals as regards medical and sanitary matters and all other work within the scope of their professional duties next after other officers of the Medical Department and, except as above provided, shall exercise command only over those members of the Army of the United States specifically placed under their command. Members of the Army Nurse Corps so appointed and assigned shall not by acceptance of their appointments vacate their appointments in the Army Nurse Corps.

SEC. 2. All persons appointed and assigned as officers in the Army of the United States under the provisions of section 1 of this act and their dependents and beneficiaries shall have all the rights, privileges, and benefits accorded in like cases to other persons appointed under the joint resolution of September 22, 1941 (55 Stat. 728), as amended, except where otherwise expressly provided in this or any subsequent act.

SEC. 3. In addition to members of the Army Nurse Corps, any person appointed and assigned as an officer in the Army of the United States under the provisions of section 1 of this act shall be eligible to be retired under any law providing for the retirement of members of the Army Nurse Corps, and any such person, including members of the Army Nurse Corps, who, while serving under such appointment and assignment, is so retired for disability shall receive retired pay at the rate of 75 percent of the active duty base and longevity pay received by her while serving in the highest grade in which she served under any such appointment and assignment, and, notwithstanding any other provision of law, shall be placed upon the Army Nurse Corps retired list in such highest grade. Any member of the Army Nurse Corps retired between December 7, 1941, and the date of enactment of this act for disability and any female dietitian or physical-therapy aide so retired between January 12, 1943, and the date of enactment of this act shall receive, effective on the first day of the first month next following the date of enactment of this act, retired pay at the rate of 75 percent of the highest active duty base and longevity pay received by her while serving in the Army Nurse Corps or Medical Department of the Army, as the case may be, during the above-cited applicable period.

SEC. 4. In computing years of service for all purposes of members of the Army Nurse Corps appointed and assigned under the provisions of section 1 of this act there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as a contract nurse prior to February 2, 1901, and service rendered pursuant to an appointment under this act.

SEC. 5. In computing years of service for all purposes of female dietetic and physical-therapy personnel appointed and assigned under the provisions of section 1 of this act, there shall be credited all active full-time service (except as a student or apprentice) in the dietetic or physical-therapy categories rendered subsequent to April 6, 1917,

as a civilian employee of the War Department, service rendered pursuant to an appointment as a female dietitian or physical-therapy aide under the provisions of the act of December 22, 1942 (56 Stat. 1072), and service rendered pursuant to an appointment under this act.

Sec. 6. Notwithstanding any other provision of law, no woman appointed and assigned under the provisions of section 1 of this act who is a member of the Army Nurse Corps or who has previously held an appointment as a female dietitian or physical-therapy aide under the provisions of the act of December 22, 1942 (56 Stat. 1072), shall be entitled to any uniform allowance payable to officers of the Army of the United States. Any such woman who, either as a member of the Army Nurse Corps or a dietitian or physical-therapy aide, has not received a complete issue of uniforms, insignia, accessories, and equipment prescribed by regulations of the Secretary of War for persons in the respective categories may be issued the remainder of such prescribed articles, and any such woman who has heretofore or may hereafter receive such complete issue, or any part thereof, may retain such articles as her personal property.

Sec. 7. For the purpose of effectuating prompt and equitable appointments under section 1 of this act of the personnel mentioned in the title of this act who are on active duty on the date of enactment of this act, the President is authorized to appoint, in commissioned grades corresponding to the relative rank held by such personnel on the effective date of the order of appointment, all or any part of such personnel by means of a blanket order without specifying the names of the personnel so appointed. Any person so appointed by such blanket order shall be deemed for all purposes to have accepted her appointment as an officer in the Army of the United States upon the effective date of such blanket order unless she shall expressly decline such appointment, and shall receive from such date the pay and allowances of the commissioned grade to which she was so appointed. No such person who, upon receiving an appointment in the Army of the United States, shall have subscribed to the oath of office required by section 1757, Revised Statutes, shall be required to renew such oath or to take a new oath upon her appointment as a commissioned officer, if her service in the Army of the United States after the taking of such oath shall have been continuous.

DENTAL CORPS OFFICERS' COMMAND

The bill (S. 1809) to remove the limitation on the right to command of officers of the Dental Corps of the Army which limits such officers to command in that corps was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1912," approved March 3, 1911, is amended by striking out from the fourth paragraph under the heading "Medical Department" the sentence which reads: "Their right to command shall be limited to the Dental Corps" (36 Stat. 1054; 10 U. S. C. 130).

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The bill (H. R. 1475) to amend further the Civil Service Retirement Act, approved May 29, 1940, as amended, was considered, ordered to a third reading, read the third time, and passed.

Mr. MEAD subsequently said: Mr. President, I ask that the Senate recur to order of business No. 860, House bill 1475, which had previously been passed by the

Senate, in order that I may offer an amendment to the bill.

The ACTING PRESIDENT pro tempore. Without objection, the vote by which the bill was passed, together with the vote ordering its third reading, is reconsidered, and the clerk will state the amendment offered by the Senator from New York.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

Sec. —. Nothing contained in the second paragraph of section 2 of the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government," approved July 13, 1937, as amended, shall be construed to prevent the deduction and withholding from the basic salary, pay, or compensation of any employee with less than 7 years of service, whose salary or any part thereof is paid by the disbursing officer of the Senate, of sums required to be deducted and withheld by section 10 of the Civil Service Retirement Act, approved May 29, 1930, as amended, if such employee shall have given notice in accordance with section 3 of the Civil Service Retirement Act, approved May 29, 1930, as amended, of his desire to come within the purview of such act. This section shall take effect as of January 24, 1942.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York [Mr. MEAD].

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESTORATION OF STATUS OF CERTAIN HAWAIIAN HOME LANDS

The bill (H. R. 3403) to withdraw and restore to their previous status under the control of the Territory of Hawaii certain Hawaiian home lands required for use for airplane landing fields, and to amend sections 202, 203, and 207 of title 2 of the Hawaiian Homes Commission Act, 1920, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

STAY OF CERTAIN JUDICIAL PROCEEDINGS AGAINST THE UNITED STATES UNDER THE PUBLIC VESSELS ACT

The Senate proceeded to consider the bill (S. 1173) to suspend, as respects vessels of the Navy or in the naval service, certain provisions of the act approved March 3, 1925, authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels of the United States, and to authorize the Secretary of the Navy to settle and pay claims for damages caused by vessels of the Navy or in the naval service, or for towage and salvage services to such vessels, and for other purposes, which had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That whenever in time of war the Secretary of the Navy shall certify to a court in which is pending a suit of the nature herein-after defined, or to a judge of such court, that the prosecution of such suit would tend

to endanger the security of naval operations in such war, or to interfere with such operations, all further proceedings in such suit shall forthwith be stayed until 6 months after the cessation of hostilities in such war, or until such earlier date as may be stated in such certificate. The suits to which this act applies are hereby defined as follows: All suits under the act approved March 3, 1925, entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes" (43 Stat. 1112; 46 U. S. C. 781 ff.), wherein a claim is made for damages caused by a vessel of the Navy, or in the naval service, or for compensation for towage or salvage services, including contract salvage, rendered to any such vessel. The stay of proceedings in pending suits as provided in this section shall not operate to suspend the issuance of process to take or preserve evidence to be used in the trial of the issues of the suit, or to prevent the completion of action under the authority of similar process already issued at the time of such stay of suit: *Provided*, That if at the time of certification by the Secretary of the Navy for stay of proceedings, as provided in this section, or at any time thereafter prior to the termination of stay, the Secretary of the Navy shall file with the court an additional certificate that the issuance of such process to preserve evidence or the completion of action on process already issued would tend to endanger the security of the United States or any of the naval or military operations in such war, or to interfere with such operations, then all such proceedings for the taking or preserving of evidence to be used by either party in the trial of the issues in such suit shall be suspended until 6 months after the cessation of hostilities in such war, or until such earlier date as shall have been fixed in the certificate for stay of proceedings in such suit.

Sec. 2. Whenever in time of war the Secretary of the Navy shall certify to the court, or a judge of the court in which proceedings for the purpose are pending, that the granting of a *dedimus potestatem* to take depositions, or a direction to take depositions in *perpetuum rei memoriam*, or the taking of depositions or production of evidence pursuant to such *dedimus potestatem* or direction, or pursuant to any other proceeding for the purpose, in connection with or in relation to any claim against the United States on which such suit would lie, would tend to endanger the security of the United States or any of the naval or military operations in such war, or to interfere with such operations, then such *dedimus potestatem* shall not be granted, such direction shall not be made, and such deposition shall not be taken or evidence produced, until 6 months after the cessation of hostilities in such war, or such earlier date as may be stated in such certificate, and if prior to filing such certificate such proceedings shall have been commenced, the same shall upon filing such certificate forthwith be stayed until 6 months after cessation of such hostilities or such earlier date as may be stated in such certificate.

Sec. 3. The phrase "vessels of the Navy or in the naval service" shall include, for the purposes of this act, in addition to all vessels of the Navy, and of the Coast Guard when operating as a part of the Navy, all vessels manned by the Navy, including the Coast Guard when operating as a part of the Navy, and all vessels chartered on bare-boat charter to the Navy, or to the Coast Guard when the Coast Guard is operating as a part of the Navy.

Sec. 4. At any time while a stay is in effect under this act the Secretary of the Navy may file with such court or judge his certificate extending or shortening the time stated in his prior certificate, during which the prosecution of such suit or the taking of such deposition or production of evidence would

tend to endanger the security of the United States or of such operations in time of war, or to interfere therewith. Any claimant or party deeming himself adversely affected by a stay under the provisions of this act may serve on the Secretary of the Navy at Washington, D. C., a written notice, requesting the Secretary of the Navy to reconsider the stay previously issued and to issue a further certificate. Such written notice shall identify the stay then in effect by attaching a copy of the certificate of the Secretary of the Navy upon which the stay is based or by a description sufficient for its identification. The said notice shall not contain any recital of the facts or circumstances involved. Within 10 days after receipt of such notice, the Secretary of the Navy or some official designated by him, shall hold in secret a hearing at which the claimant or his representative may present such facts and arguments as he may think material with respect to the question as to whether or not a stay should be issued or maintained. Within 10 days after such hearing, the Secretary of the Navy shall file with the court in which said stay is pending, or the court in which the proceeding stayed was instituted, his further certificate stating whether the stay shall then be terminated, or for what time the stay is to continue in effect. If the Secretary of the Navy shall fail to file such further certificate, the court, upon application by such claimant or party, shall issue its order directing the Secretary of the Navy to file a certificate within the time to be specified in such order. Any certificate issued by the Secretary of the Navy shall remain in effect for the time stated therein or until it is terminated or altered by a further certificate. The filing of any further certificate under this section shall extend or shorten the time, as the case may be, during which the stay in relation to which it is made shall continue in effect, to the time stated in such further certificate, or shall terminate such stay if it be so stated in such further certificate: *Provided*, That in no case shall any stay under this act remain in force longer than 6 months after the cessation of hostilities in such war.

Any certificate issued by the Secretary of the Navy pursuant to this act may, in his discretion, be restricted, so that it stays only the taking of testimony of certain witnesses or evidence on certain subjects, in which event such proceedings as are not so stayed may continue.

Before making any certificate provided for in this act, the Secretary of the Navy shall make or cause to be made such investigation of the case to which the certificate relates as to satisfy himself that the issuance of the certificate for the purposes authorized by this act is necessary.

SEC. 5. The time during which a claimant may file suit of the nature described in section 1 upon a claim against the United States shall be computed by excluding the time during which a stay under section 2, or any extension thereof, shall be in effect as to any proceedings by or on behalf of such claimant for the taking of a deposition or the production of evidence in connection with or in relation to such claim.

SEC. 6. The Secretary of the Navy is authorized to consider, ascertain, adjust, determine, compromise, or settle claims for damages caused by vessels of the Navy or in the naval service, and for compensation for towage and salvage services, including contract salvage, rendered to such vessels, and to pay the amount of any claim so determined, compromised, or settled, and upon acceptance of such payment by the claimant, and not until then such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding: *Provided*, That this section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary

to, and not in lieu of all other provisions of law authorizing consideration, adjustment, determination, settlement, and payment of claims: *Provided further*, That no claim in excess of \$3,000 shall be considered hereunder which accrued prior to September 8, 1939: *Provided further*, That all payments of claims made under this section shall be made out of the appropriation "miscellaneous expenses, Navy": *And provided further*, That the payment of any claim on which a net amount exceeding \$100,000 is determined to be due from the United States, or which is compromised or settled at a net amount exceeding \$100,000 payable by the United States, shall not be authorized by this section, and all claims determined, compromised, or settled hereunder at a net amount exceeding \$100,000 payable by the United States shall be certified by the Secretary of the Navy to the Congress.

SEC. 7. (a) On payment of any claim determined, compromised, or settled under section 6 of this act at a net amount exceeding \$3,000, but not exceeding \$100,000, payable by the United States, the Secretary of the Navy within 20 days of payment shall file a report with the Naval Affairs Committee of the Senate and House of Representatives setting forth the nature of the claim, the vessel or vessels involved, the amount paid with respect thereto, the basis of the determination, compromise, or settlement, and other pertinent facts: *Provided*, That during any war the reports required under this section may omit any fact or facts disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security.

(b) Subject to the proviso of subsection (a) of this section, the Secretary of the Navy shall report to the Congress, at each session thereof, all claims which have been paid under this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for staying judicial proceedings against the United States in time of war, on claims for damages caused by vessels of the Navy, or for towage or salvage services to such vessels, when the Secretary of the Navy certifies that the prosecution of such proceedings would endanger the security of naval operations or interfere therewith, and to authorize the settlement and payment of such claims, and for other purposes."

ACQUISITION OR CONSTRUCTION OF CERTAIN LANDING AND DISTRICT CRAFT FOR THE NAVY

The bill (S. 1880) authorizing the acquisition and conversion or construction of certain landing craft and district craft for the United States Navy, and for other purposes, was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, House bill 4710, calendar No. 912, is an identical bill. I ask that the House bill be substituted for the Senate bill and be considered at this time.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of House bill 4710?

There being no objection, the bill (H. R. 4710), authorizing the acquisition and conversion or construction of certain landing craft and district craft for the United States Navy, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 1880 will be indefinitely postponed.

REIMBURSEMENT OF NAVAL PERSONNEL FOR PERSONAL PROPERTY LOST OR DAMAGED

The bill (S. 1881) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of fire at the naval advance base depot, Port Hueneme, Calif., on January 12, 1944, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$1,599.54, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel and former Navy personnel for the value of personal property lost or damaged as the result of a fire in quarters occupied by said personnel at the naval advance base depot, Port Hueneme, Calif., on January 12, 1944: *Provided*, That in the case of the death of any claimant, payment may be made to the relative designated by the Secretary of the Navy: *And provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

AMENDMENT OF RECLAMATION PROJECT ACT OF 1939

The Senate proceeded to consider the bill (S. 1782) to amend sections 4, 7, and 17 of the Reclamation Project Act of 1939 (53 Stat. 1187) for the purpose of extending the time in which amendatory contracts may be made, and for other related purposes, which had been reported from the Committee on Irrigation and Reclamation, with amendments on page 1, line 7, after the word "per", to change the word "centum" by striking out the letters "um" thereof; and on page 2, line 23, after the words "report to", to insert "the Congress on any proposed contracts negotiated pursuant to", so as to make the bill read:

Be it enacted, etc., That section 4 (d) of the Reclamation Project Act of 1939 is hereby amended to read as follows:

"(d) For each project contract unit where a repayment contract is entered into pursuant to this section, each year the percent of the normal returns for said year by which the annual returns of said year exceed or are less than said normal returns shall be determined by the Secretary. For each unit or major fraction of a unit of said percentage of said increase or decrease there shall be an increase or decrease, respectively, of 2 percent in the amount or amounts of the installment or installments for said year under the organization's obligation or obligations as determined under subsections (b) and (e) of this section. Said latter amount or amounts as thus increased or decreased shall be the payment or payments of construction charges due and payable for said year, except that in no event shall the amount of the said payment or payments due

and payable for any year be less than 15 percent nor, as determined by the Secretary, more than from 150 to 200 percent, inclusive, of the amount or amounts of the installment or installments for said year under the organization's obligation or obligations as determined under subsections (b) and (e) of this section. The Secretary is hereby authorized to amend any repayment contracts heretofore or hereafter entered into pursuant to the provisions of this section to conform to the provisions of this amendment."

SEC. 2. Section 7 (c) of the Reclamation Project Act of 1939 is hereby amended to read as follows:

"(c) The Secretary from time to time shall report to the Congress on any proposed contracts negotiated pursuant to the authority of subsection (a) or (b) (1) of this section, and he may execute any such contract on behalf of the United States only after approval thereof has been given by act of Congress. Contracts, so approved, however, may be amended from time to time by mutual agreement and without further approval by Congress if such amendments are within the scope of authority heretofore or hereafter granted to the Secretary under any act, except that amendments providing for repayment of construction charges in a period of years longer than authorized by this act, as it may be amended, shall be effective only when approved by Congress."

SEC. 3. Section 17 of the Reclamation Project Act of 1939 is hereby amended to read as follows:

"(a) The authority granted in sections 3 and 4 of this act for modification of existing repayment contracts or other forms of obligations to pay construction charges shall continue through December 31, 1950, or December 31 of the fifth full calendar year after the cessation of hostilities in the present war, as determined by proclamation of the President or concurrent resolution of the Congress, whichever period is the longer.

"(b) The Secretary is hereby authorized, subject to the provisions of this subsection, to defer the time for the payment of such part of any installments of construction charges under any repayment contract or other form of obligation (exclusive of contracts entered into under this act) that are due and unpaid as of the date of this amendment or which will become due prior to the expiration of the authority under subsection (a) of this section as he deems necessary to adjust such installments to amounts within the probable ability of the water users to pay. Any such deferment shall be effected only after findings by the Secretary that the installments under consideration probably cannot be paid on their due dates without undue burden on the water users, considering the various factors which in the Secretary's judgment bear on the ability of the water users so to pay.

"The Secretary may effect the deferments hereunder subject to such conditions and provision relating to the operation and maintenance of the project involved as he deems to be in the interest of the United States. If, however, any deferments would affect installments to accrue more than 12 months after the action of deferment, they shall be effected only by a formal supplemental contract. Such a contract shall provide by its terms that, it being only an interim solution of the repayment problems dealt with therein, its terms are not, in themselves, to be construed as a criterion of the terms of any amendatory contract that may be negotiated pursuant to sections 3, 4, or 7 of this act.

The amendmen's were agreed to.

Mr. HAYDEN. Mr. President, I offer a further amendment proposing an additional section to the bill. I have conferred with the Senator from New Mexico [Mr. CHAVEZ], who reported the bill, and

I believe it is agreeable to him. I will ask that the amendment be stated, and then I shall explain it.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from Arizona will be stated.

The CHIEF CLERK. On page 4, after line 24, it is proposed to insert the following new section:

SEC. 4. The act entitled "An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona," approved September 18, 1922 (42 Stat. 847), is hereby amended by adding thereto a new section, as follows:

"SEC. 2. After the retirement of all debt owed by the project to the United States and all bonded debt, the net power revenues shall be covered into the reclamation fund. No distribution or dividend of power revenues, before or after completion of debt retirement, shall be made to individual water users or others: *Provided*, That the application of power revenues heretofore or hereafter made to reduce the cost of water service shall not be deemed a distribution or dividend."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAYDEN. Mr. President, for the sake of the record I think there should be printed the text of the act that is proposed to be amended. It is short. I should like also to include a memorandum that I made in regard to the matter nearly 2 years ago which was supplemented by a letter to the Secretary of the Interior written by the president of the Salt River Valley Water Users' Association.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The act proposed to be amended is as follows:

Chapter 323

An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona

Be it enacted, etc., That whenever a development of power is necessary for the irrigation of lands under the Salt River reclamation project, Arizona, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized, giving preference to municipal purposes, to enter into contracts for a period not exceeding 50 years for the sale of any surplus power so developed, and the money derived from such sales shall be placed to the credit of said project for disposal as provided in the contract between the United States of America and the Salt River Valley Water Users' Association, approved September 6, 1917: *Provided*, That no contract shall be made for the sale of such surplus power, which will impair the efficiency of said project: *Provided, however*, That no such contract shall be made without the approval of the legally organized water users' association or irrigation district which has contracted with the United States to repay the cost of said project: *Provided further*, That the charge for power may be readjusted at the end of 5-, 10-, or 20-year periods after the beginning of any contract for the sale of power in a manner to be described in the contract.

Approved September 18, 1922.

Mr. HAYDEN. The amendment provides that after all the debts of the Salt River project have been paid, any net revenues derived from the operation of the electric power system on the project shall be paid into the reclamation fund.

It further provides that no distribution or dividend of power revenues may be made to individual water users or others at any time either before or after the repayment period is over. This prohibition is qualified to the extent that the past or future use of power revenues to cut down the cost of water to the farmers is not to be considered a distribution or dividend of power revenues to the individual farmer.

Since 1917 the project has been managed and operated by the Salt River Valley Water Users' Association under contract with the United States. The association has been at all times subject to the reclamation laws and its contract with the United States. Excess power revenues, over and above debt service and operation and maintenance, have been applied by the association to reduce the water assessments against the farmers. This has been in accordance with the association's understanding of its responsibilities under the reclamation law, as operator of a Federal reclamation project. The theory of the reclamation law is to furnish water to farmers for irrigation as cheaply as possible, and if by selling electric energy the cost of water to the farmer can be cut, the result is in keeping with what the reclamation laws are intended to accomplish. After the retirement of all debt on the project, net power revenues should go to the United States as owner of the project. This is the true meaning of the existing law, but clarification appears necessary.

Confusion has arisen as to the interpretation of the reclamation laws in regard to the use of power revenues from the Salt River project, and the proposed amendment is intended to clarify the situation in accordance with the best interests of the United States and the project. The problem has been brought to a head at this time by reason of a claim for income taxes which has been asserted by the Bureau of Internal Revenue against the association, based on the assumption that the association owns the power revenues and has an equity in the project, which assumption is not in keeping with the interpretation of the reclamation laws which the association has always understood to be the correct one.

The memorandum and letter submitted by Mr. HAYDEN are as follows:

UNITED STATES SENATE,
June 25, 1942.

Memorandum for the Secretary of the Interior:

This memorandum relates to the proposal of the Treasury Department to collect income taxes upon revenues produced by the Federal power plants and water supply works on the Salt River Reclamation project, Arizona, operated by the Salt River Valley Water Users' Association. I venture to express an opinion because this proposal involves the destruction of a sound public policy with which I am familiar as a result of participation in the enactment of legislation by which it was established and continued in effect.

There are three types of Federal reclamation projects:

(1) Projects operated by the United States, tax free;

(2) Projects operated by political subdivisions of States such as irrigation districts, tax free;

(3) Projects operated by incorporated water users' associations, the revenues of which the Treasury Department is seeking to tax.

In transferring the care, operation, and maintenance of reclamation projects, in which many millions of dollars of Federal funds have been invested, either to irrigation districts or to water users' associations, it is of the highest importance that the repayment of the cost thereof, as provided by the reclamation laws, shall be insured. Both a district and an association must remain solvent in order to meet its obligations to the Government. The association has two positive advantages over the district form of organization:

First. The authority to refuse delivery of water unless assessments are paid in advance. Farmers cannot grow crops without water, and this is the only sure-fire method of collection, whereas irrigation district tax delinquencies have continually caused serious trouble.

Second. The associations' bylaws limit voting participation to not in excess of 160 acres per farmer, which is in accordance with the intent of the reclamation law. This places the political control of a project in the hands of those who own family-sized farms, whereas large corporation-owned farms often dictate the management of irrigation districts because of the right to vote according to the total number of acres held. The bylaws of a water users' association cannot be changed without the approval of the Secretary of the Interior.

A judicial determination by the Treasury Department in the case now pending before the Board of Tax Appeals, if decided adversely to the Salt River Valley Water Users' Association, would result in an interpretation binding on the United States, and consequently on the Interior Department, to the effect that the revenues produced by the Federal reclamation project works are owned by the association which operates them, and that the association owns the equity in these works, the Government retaining title for security purposes only. Such conclusions would be entirely contrary to the purpose and policy of the Federal reclamation laws.

The reclamation laws, making money from the United States Treasury available for the reclamation of arid lands, do not contemplate that any intermediary between the Government and the landowners shall make a profit out of the revenues produced by these Federal properties, nor acquire any proprietary interest in them. The association in question does not assert any such ownership in revenues or properties. It claims to be simply a conduit between the landowners and the Government.

The officials of the Salt River Valley Water Users' Association have furnished me with a copy of the inquiries addressed by the Secretary of the Treasury to the Secretary of the Interior under date of February 20, 1942. I quote these inquiries with my comments thereon:

"No. 1. Are the purposes, form of organization, and financial structure of Salt River Valley Water Users' Association fundamentally the same as the purposes, form of organization, and financial structure of other water users' associations and irrigation districts?"

They are. This water users' association is one of 14 associations with which the Reclamation Bureau has contracts. Federal reclamation laws recognize associations and district indiscriminately and authorize the Secretary to contract in exactly the same way with either form of water users' organization. This is demonstrated by various laws, in the enactment of which I actively took part, now embodied in the following sections of the

United States Code: 423 (d), 465 (h), 485 (c), 477, 491, 493, 498, 499, 500, 501, 511, 521, 523, of title 43.

The association's stock is appurtenant to the land, like the water rights, and cannot be sold separately. Association landowners vote in proportion to their acreage, and pay association assessments, instead of district taxes, but the assessments, like taxes, are construed by the local courts as liens having precedence over private mortgages.

The Interior Department has always recognized the association type of organization as serving the same purposes and functions served by the public corporations in the matter of the repayment of the Government's investment in reclamation projects and in their operation and maintenance.

The general parallel between water users' associations and irrigation districts is explained in *Citrus Growers Development Association v. Salt River Valley Water Users' Association* (268 Pac. 773 (Ariz., 1928), at p. 775); *Saylor v. Gray* (20 P. (2d) 441 (Ariz., 1933), at p. 443); *Orme v. Salt River Valley Water Users' Association* (25 Ariz. 324, 217 Pac. 935). In the *Citrus* case, first cited, the Arizona Supreme Court said:

"Its affairs are conducted in many respects as are those of a municipal corporation, its purposes are those generally found only in organizations such as irrigation districts and other similar institutions, which are considered as municipal corporations for most purposes, and it has been given the right to exercise many powers similar to those usually conferred only on branches of the Government. It can probably be best described as a private corporation with a public purpose, and having quasi-governmental powers."

"No. 2. Does the Department of the Interior exercise extensive control over the activities of the Salt River Valley Water Users' Association in furnishing water to members, in the distribution of electric power, both to members and nonmembers, in the determination of rates for both water service and power, and in the distribution of earnings from whatever source derived?"

The answer is in the affirmative. The Department is now conducting a study of power rates on the Salt River project, asserts the right to exercise plenary control over such rates, has power to make rules and regulations governing them, and requires that power contracts extending beyond 1 year be submitted to the Department for approval.

The degree of the Department's control over the application of earnings is a matter of construction of the Federal reclamation laws, the articles of incorporation and bylaws of the association, and the contracts between the association and the United States. While differing interpretations might be argued, inasmuch as both the statutes and the contracts have grown by a process of accretion during the evolution of the present Federal reclamation policies, the interpretation of its contracts asserted by the Salt River Valley Water Users' Association is in accord with existing departmental policies.

"No. 2. Is it the policy of the Bureau of Reclamation to encourage expansion of the activities of water users' associations in the distribution of electrical energy and to utilize the proceeds in amortizing the cost of construction of irrigation work and power projects?"

The answer is in the affirmative. The plan originally adopted was that of having the water users' associations or irrigation districts underwrite all the costs of a particular project and providing by statute that net power revenues should be credited to the total cost of the project. Provision was later made for application of the power revenues against current repayment installments. See subsection (i) of the act of December 5, 1924 (43 Stat. 703).

The present policy brings substantially the same result insofar as having power

assist in the repayment of the project costs is concerned, but does not permit individual participation in power profits when repayment is complete (if, in fact, any individual participation after repayment was contemplated by the older law, which the Department does not concede would be the case, and which the association does not assert). Present policy requires an allocation, at the outset, of the estimated costs of the project which are to be borne by the water users and those which are to be returned from power revenues.

In determining the water users' obligation, consideration is given to their probable repayment ability. The water users are asked to assume only those costs allocated to them, and the United States, retaining title to the power facilities and revenues therefrom, assumes the responsibility for recovering the moneys invested in power plus whatever portion of the irrigation allocation is allocated to be returned from power revenues. Under this plan, the water users as a whole realize, from the commencement of the project, the benefit from power development. See section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187).

"No. 4. Is title to the project, including its power features, vested in the United States? Upon complete payment of the indebtedness incurred in respect of the project will title thereto under present law still remain in the United States? Does any 'equity' resulting from the activities of the Salt River Valley Water Users' Association accrue to or be realized by individual members?"

As to the first question: Title to the project, including its power features, is vested in the United States, and by act of Congress must remain so until otherwise provided by Congress (sec. 6 of the act of June 17, 1902, 32 Stat. 388). This applies both to works built by the United States and works built by the association. The latter were constructed upon public lands of the United States pursuant to contracts providing specifically for the vesting of title in the United States.

As to the second question:

"Upon complete payment of the indebtedness incurred in respect of the project, will title thereto under present law still remain in the United States?"

Yes. Title remains in the United States to all these works until otherwise provided by Congress (sec. 6 of the act of June 17, 1902, supra). This result obtains after the repayment period as well as before.

As to the third question:

"Does any equity resulting from the activities of the Salt River Valley Water Users' Association accrue to or be realized by individual members?"

No. Neither the association nor its members have a contractual right to acquire title upon completion of repayment of the cost of the works, nor do they have any interest therein which is capable of hypothecation or sale, nor do they have any contractual right to obtain such an interest. The association, as a corporate entity, is entitled under the terms of its 1917 contract with the United States, to operate and maintain the project works, or, at its option, to return operation and maintenance to the United States; and it may be discharged from that function on failure to maintain the works to the satisfaction of the United States.

The function of the association as operator during the repayment period does not differ from its function as operator thereafter. Upon retirement from that function, voluntarily, or by action of the United States, in consequence of the association's failure properly to maintain the Federal works, it takes nothing with it; that is to say, it has not acquired, out of the receipt and disbursement of project revenues, or the operation of the Federal works, any assets or equity which it might liquidate. The same

would be true if the association should dissolve. It would have no assets to distribute.

The individual landowners on every project, whether the project is operated by an association, by an irrigation district, or direct by the United States, do, of course, benefit by the gradual repayment to the United States of the obligations incurred for construction and operation of the works, particularly if power revenues are available for that purpose, in lieu of full collection of all charges by way of taxes or assessments. Upon completion of repayment, the individual landowner, regardless of how the project is operated, will undoubtedly hold a perpetual contract right entitling him to the delivery of water from the project works.

The important point is that there is no distinction in this respect between landowners on projects operated direct by the United States, projects operated by districts, and projects operated by associations, and consequently there should be no differentiation in the tax policies applicable to the revenues from water and power which go to accomplish this result, whatever the exact nature of the resulting contractual claim of the individual landowners upon the United States may be after repayment of the debt.

RECOMMENDATION

There is a definite conflict between the policies of the Interior Department, on the one hand, reflecting the policies of Congress as expressed in the reclamation laws, in making Federal funds available for the construction of reclamation works and making power revenues available to help pay for them, all so that the farmers will not have to pay more for water than they can afford; and, on the other hand, the policy of the Treasury Department, expressed in the pending Salt River Valley Water Users' Association tax case, to collect income and excess-profits taxes upon these same power and water revenues as though the projects were built and operated for private gain. That conflict ought to be resolved by an agreement between the two Departments at the policy-making level.

The pending Salt River tax case should be closed by a stipulation between the Treasury and the association, satisfactory to the Interior Department, correctly stating and applying what we all know to be the intent of the reclamation law as to the Government's ownership of and control over project works and revenues, and the consequent lack of any taxable interest in them for the account of anyone else.

The Interior Department ought to take the strongest possible initiative in the matter, bearing in mind that while the Treasury will suffer no loss of future revenue by such a settlement, inasmuch as all of the associations are perfectly free to change into district tax-free forms of organizations, the Reclamation Bureau will suffer serious embarrassment if the case goes to trial and the Bureau of Internal Revenue wins. Such a decision would lay the foundation for the claim on every project, whether operated by districts or by associations, that the operator owns the project and its revenues, and that the Government holds title simply for security. The association form of operation would be lost to the farmers as well as the Government, and the so-called equity would probably be laid open to local ad valorem taxation, bankrupting every project exposed to it.

The Salt River Valley Water Users' Association has been a successful operating device since 1903 and should not be driven into a district form of organization under the pressure of nonuniformity in the administration of tax laws.

Respectfully submitted,

CARL HAYDEN,
United States Senator from Arizona.

SALT RIVER VALLEY WATER USERS' ASSOCIATION.

Washington, D. C., June 25, 1942.
HON. HAROLD L. ICKES,
The Secretary of the Interior,
Washington, D. C.

MY DEAR MR. SECRETARY: Senator HAYDEN has shown us the memorandum he has written you on the subject of the taxes which the Bureau of Internal Revenue is endeavoring to collect on the power and water revenues of the Salt River project.

I have read it, and so have the other members of the board of governors, who are here with me in Washington, and we entirely agree with what the Senator says.

I simply want to add that if there is any uncertainty arising from the association's contractual relations with the Secretary of the Interior, which I do not believe to be the case, and if it proves necessary in order to dispose of the tax problem, the association will gladly proceed to amend those contracts to conform with the principles stated in the Senator's memorandum.

These involve the Secretary's power of review and control over power contracts and rates, Federal title to all of the project's power and water facilities, Federal ownership of the net power revenues after the repayment of all investments of the power and water facilities of the project (subject to the continuing right of the project to the utilization of power for pumping and project purposes), and Federal authority over the association's operation and maintenance of the power and water facilities of the project. We believe the contracts are clear in these respects now, but we will be glad to make them explicit if there is any uncertainty about them which exposes the project to taxation. It is unreasonable that the project should be taxed upon an interpretation of the contracts not asserted by either party to them, giving us greater rights than we claim or the Department would grant.

Respectfully,

LIN B. ORME, President.

BILL PASSED OVER

The bill (H. R. 3429) to amend section 1 of an act entitled "An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work," approved February 28, 1929 (45 Stat. 1406), as amended by the Act of April 22, 1940 (54 Stat. 148), was announced as next in order.

Mr. VANDENBERG. I ask that the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

KLAMATH DRAINAGE DISTRICT

The Senate proceeded to consider the bill (H. R. 3476) to approve a contract negotiated with the Klamath drainage district and to authorize its execution, and for other purposes, which had been reported from the Committee on Irrigation and Reclamation with an amendment on page 3, line 19, after the word "increment", to strike out "of" and insert "to."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HUNGRY HORSE DAM ON SOUTH FORK OF FLATHEAD RIVER, MONT.

The Senate proceeded to consider the bill (H. R. 3570) to provide as an emer-

gency war project for the partial construction of the Hungry Horse Dam on the South Fork of the Flathead River in the State of Montana, and for other purposes, which had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 6, after the word "energy", to strike out "urgently needed for the war effort."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. DANAHER. Mr. President, is the Senate considering Calendar No. 873, House bill 3570?

The ACTING PRESIDENT pro tempore. The Senate has had under consideration and just passed that bill.

Mr. DANAHER. I was seeking recognition. I have no objection to action on the amendment, but I do not want action on the bill until an explanation may be made of it. I ask unanimous consent that the vote on the passage of the bill be reconsidered.

The ACTING PRESIDENT pro tempore. Without objection, the vote whereby the bill was passed is reconsidered.

Mr. DANAHER. Now, Mr. President, may we have an explanation of the bill for the RECORD, please?

Mr. WHEELER. Mr. President, this bill is simply an authorization for a project which has been under consideration and for which surveys have been made in Flathead Valley, Mont. The Senator has probably heard Members of Congress from Montana talk about the project. The Army engineers proposed to raise Flathead Lake some 20 feet, as I recall the height—I may not be exact in the figure—but because of protests which were made by people living in the district and because of the fact that it was proposed to flood large areas of farm lands, to leave the city of Kalispell practically an island, and to flood certain industries, particularly the lumber industries, this project was suggested as an alternative, for the purpose of storing up enough water in this particular region to help the flow of water downstream for the power projects at Spokane and also for irrigating certain lands. It is recommended by the Department of the Interior, by the Bonneville Power Authority, and also by the Reclamation Bureau.

The bill was passed by the House as an emergency war measure. The Bureau of the Budget objected to it, but said—and I have their letter—that they had no objection to it being proposed as a project to be completed after the war. The bill merely provides an authorization and not an appropriation.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DANAHER. Mr. President, I ask that the bill be temporarily passed over.

Mr. WHEELER. I hope the Senator will not ask that the bill be temporarily passed over, because it passed the House some time ago. We have had hearings on it before the committee on two different occasions, and it is a matter of great

urgency to the people of my State, where it has been under consideration for a long time. It is merely an authorization for a future appropriation after the war, if and when the Congress authorizes it.

Mr. DANAHER. Mr. President, I am constrained by the eloquence of the Senator from Montana to review my previous request, but I fail to find the urgency which he cites as applicable to a post-war proposition. I do not understand that we have to pass a bill this afternoon for a post-war program in Montana, however desirable it may be for the people of Montana.

My point in asking that the bill be temporarily passed over is simply in order that I may look into the program with reference to the desirability of authorizing facilities for generating electric energy. I do not know whether or not we wish to go into new authorizations of that character. It might well be that it is an eminently desirable and ultimately worthwhile end, but, Mr. President, I am not convinced of it, and I hoped that perhaps I could satisfy myself on that point by discussing it with Members of the Senate in whose judgment I have great confidence.

Mr. WHEELER. Let me say to the Senator that the urgency for the measure is that the War Department and the Bonneville Power Authority recommended the raising of Flathead Lake between, as I recall, 20 and 27 feet. The Members of Congress were not consulted the first time the recommendation was made by the War Department. Subsequently they came to me and asked my views about it. I suggested they have a hearing in the district. Such a hearing was held, and about 5,000 people attended the hearing and protested raising the dam on the Flathead Lake, raising the level of the lake, increasing the power, and taking over the present power site by the Government. Finally the Montana delegation, because of that protest, suggested if it was desired to have more water for the Bonneville project, the construction of this particular project, which would store water to take the place of a part of the water at least they would have by increasing the height of the lake.

The people of Montana and of that section generally agreed that this is one of the projects that should be undertaken, rather than to flood out hundreds of acres of the best land in Montana; to make an island out of the beautiful little city of Kalispell, in Flathead County, and flood the lumber mill of the Great Northern Railway located at Somers. This is the project which was worked out as a compromise to save these people.

The great emergency about it is this: The people there have been very much upset and greatly afraid that if this compromise bill is not passed the authorities will, perhaps by a directive, or something else, attempt to do what they have talked about doing in the past. The emergency is not incident to building the dam, but certainly there is an emergency insofar as allaying the fears of thousands of people in that section of the State that something more drastic may be done. The project is for the

storage of water, for flood control, and for irrigation. That is the purpose of it.

Mr. DANAHER. Mr. President, can the Senator tell us what is the estimated cost of the project, if it were to be proceeded with?

Mr. WHEELER. I cannot say offhand, but I can say that testimony was taken before the committee. I have not the figures now before me; I may have them in the file. But as a project it is going to be absolutely necessary. The War Department and the Interior Department and others interested say that in order to supply sufficient water to operate the Bonneville Dam in dry years it will be necessary to store water on the upper reaches of the Flathead River which flows into the Columbia River.

Mr. DANAHER. Will the Senator from Montana yield?

Mr. WHEELER. I yield.

Mr. DANAHER. Does not the Senator's inability to answer the very question I asked indicate the reasonableness of my request that the bill be temporarily passed over?

Mr. WHEELER. Frankly, I do not think so. I can find the figures for the Senator in a very few minutes.

Mr. DANAHER. Then, if it be temporarily passed over, it may be that that very few minutes will suffice. That is all I ask, that the bill be temporarily passed over.

Mr. WHEELER. If that is all the Senator wants, I am willing to have that done.

Mr. DANAHER. That is all I asked.

Mr. WHEELER. But I should like to have the bill passed today, because it has been on the calendar for some time.

The ACTING PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

Mr. WHEELER subsequently said: Mr. President, I ask unanimous consent to recur to Calendar No. 873, House bill 3570, which was passed over at the request of the Senator from Connecticut [Mr. DANAHER]. I am sure the Senator has no objection now to passage of the bill.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 3570) to provide as an emergency war project for the partial construction of the Hungry Horse Dam on the South Fork of the Flathead River in the State of Montana, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to recurring to the bill?

There being no objection, the Senate resumed the consideration of the bill, and it was read the third time and passed.

The title was amended so as to read: "An act to provide for the partial construction of the Hungry Horse Dam on the south fork of the Flathead River in the State of Montana, and for other purposes."

NATIONAL SURVEY OF FOREST RESOURCES

The bill (H. R. 3848) to amend section 9 of the act of May 22, 1928, authorizing

and directing a national survey of forest resources, was considered, ordered to a third reading, read the third time, and passed.

EXPORTATION OF CERTAIN COMMODITIES

The Senate proceeded to consider the bill (S. 1826) to amend section 6 of the act of July 2, 1940 (54 Stat. 714), relating to the exportation of certain commodities, and to continue said act in effect, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, after the word "amended", to insert "by the act of June 30, 1942 (56 Stat. 463)", and on line 9, after the date "June 30", to strike out "1946" and insert "1945", so as to make the bill read:

Be it enacted, etc., That section 6 of the act of July 2, 1940 (54 Stat. 714), as amended by the act of June 30, 1942 (56 Stat. 463), is hereby amended by deleting from subsection (b) thereof the words "Board of Economic Warfare" and substituting therefor the words "Foreign Economic Administration" and by deleting from subsection (d) thereof the words "June 30, 1944" and substituting therefor the words "June 30, 1945."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF WIDOW CESAIRE DE BLANC

The bill (S. 1593) for the relief of the heirs and assigns of Widow Cesaire De Blanc was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That title to the following described lands, including all mineral rights therein, situated in Iberia Parish, La., which were located by Widow Cesaire De Blanc under school land warrant No. 1809, issued by the State of Louisiana on June 7, 1855, pursuant to the act entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships, not before provided for," approved May 20, 1826 (4 Stat. 179), is hereby confirmed to the said Widow Cesaire De Blanc, her heirs and assigns: The north half of the southeast quarter of section 8, township 12 south, range 6 east of the Louisiana meridian.

CONFIRMATION OF TITLE TO THE SALINE LANDS, JACKSON COUNTY, ILL.

The bill (S. 1451), to amend the act entitled "An act for the confirmation of the title to the Saline Lands in Jackson County, State of Illinois, to D. H. Brush, and others", approved March 2, 1861, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act for the confirmation of the title to the Saline Lands in Jackson County, State of Illinois, to D. H. Brush, and others," approved March 2, 1861 (12 Stat. 891), is amended by striking out so much thereof as reads as follows: "To Stephen Holliday, the southwest quarter of the southeast quarter of the southeast quarter of section 31, township 8, of range 2", and inserting in lieu thereof the following: "To Stephen Holliday, the southeast quarter of the southeast quarter of section 31, township 8, of range 2."

Sec. 2. The amendment made by the first section of this act shall be effective as of March 2, 1861.

INVITATION TO CONGRESS TO SEND A DELEGATION TO THE BRITISH PARLIAMENT

The concurrent resolution (S. Con. Res. 43) relating to the invitation to the Congress of the United States to send a delegation to visit the British Parliament, was considered and agreed to, as follows:

Resolved, etc., That the Congress of the United States expresses to the House of Lords and the House of Commons of Great Britain its cordial appreciation for such invitation;

That because of the urgency of official business at this time, it will be impracticable for the Houses of the Congress to accept the invitation and to send a delegation of the Members to Great Britain at present;

That when the exigencies of public business make it possible such invitation will have further consideration by the Houses of Congress.

The preamble was agreed to.

Mr. BARKLEY. Mr. President, in connection with the concurrent resolution just agreed to, which is in reference to an invitation officially extended by both houses of the British Parliament inviting the Congress of the United States to send a delegation of the two Houses to England as their guests, I think I should not let the opportunity pass to say that the Committee on Foreign Relations considered the concurrent resolution and, as will be seen from the measure, expressed its appreciation to the British Parliament for the invitation to send a delegation from the two Houses of Congress to England as their guests, purely an informational trip. The committee felt that the time was not propitious to try to take this trip, in view of our domestic situation, and with an election impending, and it might be difficult to obtain a delegation the members of which would be in the position to go. The concurrent resolution does not preclude the possibility of acceptance in the future. It merely states that at this time it is not appropriate to try to accept the invitation, but it does express the appreciation of the committee, and I wish to express the appreciation of the Senate to the two houses of the British Parliament, for the very courteous invitation they have extended to us, and to express my hope that at a later time we may be able to accept the invitation.

MARY ELLEN FRAKES

The Senate proceeded to consider the bill (H. R. 3126) for the relief of Mary Ellen Frakes, widow of Joseph A. Frakes, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of", to strike out "\$5,000" and insert "\$3,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PAUL J. CAMPBELL, LEGAL GUARDIAN OF
PAUL M. CAMPBELL

The Senate proceeded to consider the bill (H. R. 1220) for the relief of Paul J. Campbell, the legal guardian of Paul M. Campbell, a minor, which had been re-

ported from the Committee on Claims with amendments, on page 1, line 5, after the word "to", to strike out "Paul J. Campbell, of East St. Louis, Ill., the sum of \$2,000; to pay"; and, on line 8, to strike out "\$3,000" and insert "\$3,500."

The amendments were agreed to

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of the legal guardian of Paul M. Campbell, a minor."

PAUL BARRERE

The bill (H. R. 1984) for the relief of Paul Barrere was considered, ordered to a third reading, read the third time, and passed.

HAMP GOSSETT CASTLE AND OTHERS

The bill (H. R. 3136) for the relief of Hamp Gossett Castle, and others, was considered, ordered to a third reading, read the third time, and passed.

SAUNDERS MEMORIAL HOSPITAL

The bill (H. R. 1737) for the relief of Saunders Memorial Hospital was announced as next in order.

Mr. DANAHER. Let the bill go over.

The ACTING PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

WILLIAM E. SEARCH AND OTHERS

The bill (H. R. 1635) for the relief of William E. Search and the legal guardians of Marion Search, Pauline Search, and Virginia Search was considered, ordered to a third reading, read the third time, and passed.

CLARENCE E. THOMPSON AND MRS. VIRGINIA THOMPSON

The bill (H. R. 2408) for the relief of Clarence E. Thompson and Mrs. Virginia Thompson was considered, ordered to a third reading, read the third time, and passed.

REESE FLIGHT INSTRUCTION, INC.

The bill (H. R. 2507) for the relief of Reese Flight Instruction, Inc., was considered, ordered to a third reading, read the third time, and passed.

PETE PALUCK

The bill (H. R. 2689) for the relief of Pete Paluck was considered, ordered to a third reading, read the third time, and passed.

McCULLOUGH COAL CORPORATION

The bill (H. R. 1519) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of the McCullough Coal Corporation against the United States was announced as next in order.

Mr. DANAHER. I ask that the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

ESTATE OF JOHN BUBY

The Senate proceeded to consider the bill (H. R. 2855) for the relief of the estate of John Buby, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of John Buby, of Brown City, Mich., the sum of \$5,475.86, in full settlement of all claims against the United States on account of the death of John Buby, who was fatally injured on December 20, 1942, when struck by a United States Army vehicle near Disco, Mich., on Michigan State Highway M-53: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. VANDENBERG. Mr. President, in respect to this bill I wish to make a brief statement and request. It is a bill to reimburse the widow of John Buby, the mother of eight children, for the loss of the life of her husband, the breadwinner of the family, as the result of an accident concerning which the responsibility is unmistakable and incontrovertible. The War Department accepts the responsibility. The deceased was killed on a highway as the result of the negligence of the driver of an Army truck at that point.

Mr. President, when the House committee reported the bill—and the Senate committee report is based upon the House report—the House committee reported as follows:

Mr. Buby left a wife, 33 years of age, and eight minor children. The War Department recommends the sum of \$5,475.86. However, your committee are of the opinion that this would not be sufficient in view of the fact that he left eight children ranging from a baby born 3 months after his father's death, and others ranging from 1½ to 15 years of age, to be supported and educated. Therefore, your committee recommend the sum of \$7,975.86 be paid to the estate of John Buby.

Therefore, Mr. President, the sole question which I bring to the Senate is the question of whether, in respect to an accident for which the responsibility is accepted by the Government, the reimbursement of a mother of eight children is adequate at \$5,000 and expenses, or whether the compensation should be set at the point which the House committee recommended, \$2,500 more.

Mr. President, when the bill reached the floor of the House, the House amended it by cutting it back to the present figure. Since then I have been told that if it were resubmitted to the House the recommendation of the committee would unquestionably be accepted. I think the able Senator from Delaware [Mr. TUNNELL] was fully justified in reporting the bill on the basis on which it was passed by the House. I am merely asking that the Senate accept an amendment, for the purpose of taking it to conference, so that the matter may be resolved in the light of these facts.

I move that in line 6 the sum "\$5,475.86" be stricken out and that "\$7,975.86", as recommended by the House committee originally, be substituted. I shall be quite content to have the matter

canvassed in conference, and any conclusion that is reached will be entirely satisfactory to me.

The ACTING PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 1, line 6, it is proposed to strike out "\$5,475.86" and to insert in lieu thereof "\$7,975.86."

Mr. TUNNELL. Mr. President, I do not think I have any objection to the amendment suggested by the Senator from Michigan. It is always a question with me, in the Committee on Claims, as to what should be done in a case where there are a widow and many children. I do not know how to divide the damage. There has been a sort of unwritten rule in the Committee on Claims that we would try to hold the damage for death down to \$5,000. To that sum from time to time have been added expenses, which perhaps is the reason for the amount fixed. I shall not offer any objection, under the circumstances.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG].

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MRS. VOLA STROUD POKLUDA AND OTHERS

The Senate proceeded to consider the bill (H. R. 272) for the relief of Mrs. Volia Stroud Pokluda, Jesse M. Knowles, and the estate of Lee Stroud, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "\$1,500" and insert "\$1,000"; on line 7, after the words "sum of", to strike out "\$2,500" and to insert "\$1,000"; and on line 8, after the words "sum of", to strike out "\$5,000" and to insert "\$4,000."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ISSUANCE OF PATENT IN FEE TO WINNIE LEFT HER BEHIND

The Senate proceeded to consider the bill (S. 1602) authorizing and directing the Secretary of the Interior to issue to Winnie Left Her Behind a patent in fee to certain land, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to Winnie Left Her Behind, a Sioux Indian of the Rosebud Indian Reservation, S. Dak., a patent in fee to the northeast quarter of section 25, township 42, range 31 east, of the Black Hills meridian.

Mr. WHERRY. Mr. President, may we have an explanation of the bill?

Mr. BUSHFIELD. Do I understand the Senator from Nebraska to request an explanation of the bill?

The ACTING PRESIDENT pro tempore. The Chair so understands.

Mr. BUSHFIELD. Mr. President, as I look over various names on the calendar,

I see names such as Pokluda and Buby and Paluck, and even when I look around the Senate, right back of me I see individuals with names just as peculiar as the name "Winnie Left Her Behind." I assure the Senate that out in the open spaces of South Dakota the Sioux Indians pick appropriate names which mean something. Whether Winnie was left behind by someone who went away, and left her in custody of another, or whether the name refers to someone else, whom Winnie left behind her, I do not know. I think we should leave the interpretation of the name to the Senator himself. However, Winnie Left Her Behind is her name.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION TO THEIR HOMES OF UNDER-AGE PERSONS DISCHARGED FROM NAVAL SERVICE

The bill (S. 1894) to provide for the transportation to their homes of persons discharged from the naval service because of under age at time of enlistment, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That appropriations which provide for pay, allowances, and transportation of enlisted personnel of the Navy, Marine Corps, and Coast Guard, including reserve components thereof, shall be available for the payment of pay and allowances to and including the date of termination of the enlistment contract, and for the same transportation as is provided for enlisted men of the Navy under the age of 18 years discharged on the application of either of their parents or legal guardian, of any enlisted person whose enlistment contract is terminated by cancellation or discharge while under the minimum statutory or administrative age limit by reason of having falsely stated his age on his application for enlistment.

EXTENSION OF TIME FOR BUILDING BRIDGE ACROSS CALCASIEU RIVER, LA.

The bill (H. R. 4050) to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La., was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1559) authorizing the appointment of an additional judge for the third judicial circuit, was announced as next in order.

Mr. DANAHER. I ask that the bill be passed over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

DR. A. R. ADAMS

The bill (S. 1465) for the relief of Dr. A. R. Adams, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. A. R. Adams, of Leavenworth, Kans., the sum of \$225, in full satisfaction of his claim against the

United States for compensation for services rendered in conducting physical examinations of prospective employees of the United States pursuant to contract No. W-425-eng-409, dated April 14, 1942, with the post engineer, Corps of Engineers, at Fort Leavenworth, Kans., such claim having been disallowed by the Comptroller General on the ground that payment for such examinations was not authorized by law: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MRS. EUGENE W. RANDALL

The Senate proceeded to consider the bill (S. 1471) for the relief of Mrs. Eugene W. Randall, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$5,000" and insert "\$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Eugene W. Randall, route 1, Riverview Station, St. Paul, Minn., the sum of \$1,000, in full satisfaction of all claims against the United States for damages sustained by her as a result of being struck by an automobile operated by a rural mail carrier on July 8, 1942, in the driveway to her home: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BESSIE EASON

The bill (H. R. 3537) for the relief of Bessie Eason was considered, ordered to a third reading, read the third time, and passed.

MARINO BELLO

The Senate proceeded to consider the bill (S. 1483) for the relief of Marino Bello, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$5,233" and insert "\$2,333", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marino Bello, of Los Angeles, Calif., the sum of \$2,333, in full satisfaction of his claims against the United States for (1) compensation for personal injuries sustained by him, (2) reimbursement of medical expenses incurred by him because of such injuries, and (3) damage to his automobile, as a result of an accident which occurred when his automobile was struck by a United States Army vehicle at the intersection of Aliso and Alameda Streets in Los Angeles, Calif., on January 29, 1942: *Provided*, That no part of the amount appropriated in

this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. EVA M. DELISLE

The Senate proceeded to consider the bill (H. R. 3102) for the relief of Mrs. Eva M. Delisle, which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of", to strike out "\$5,335.75", and insert "\$3,335.75."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SQUARE D CO.

The bill (S. 1763) for the relief of Square D Co., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Square D Co. for payment for certain electrical supplies which were delivered by the said company to the War Department, construction quartermaster, Borinquen Field, P. R., on or about April 1, 1941, upon the failure of a Government contractor to make delivery thereof, and to allow in full and final settlement of the claim the sum of not to exceed \$3,276.82. There is hereby appropriated the sum of \$3,276.82, or so much thereof as may be necessary, for the payment of said claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MUSKINGUM WATERSHED CONSERVANCY DISTRICT

The bill (S. 1849) for the relief of Muskingum Watershed Conservancy District, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of the Muskingum Watershed Conservancy District, New Philadelphia, Ohio, for the balance necessary to cover the reasonable compensation for a flowage easement which was granted to the United States by deed dated January 8, 1941, prior to the change in plans by the United States and the State of Ohio for the relocation of a State highway, which relocation deprived the claimant of any access to its buildings situated on a part of the land not affected by the flowage easement, and to allow in full and final settlement of the claim the sum of not to exceed \$1,745 upon the receipt by him

of evidence that a release, satisfactory to the War Department, of the United States from any further claim for damages and from any further liability of any kind by reason of the grant of the easement, has been executed by the Muskingum Watershed Conservancy District and has been recorded in the proper land records of the State of Ohio. There is hereby appropriated the sum of \$1,745, or so much thereof as may be necessary, for the payment of said claim.

FERMIN SALAS

The Senate proceeded to consider the bill (S. 1093) for the relief of Fermin Salas, which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of", to strike out "\$181.44. The payment of such sum shall be in full settlement of all claims of the said Fermin Salas against the United States on account of personal injuries sustained by him on March 16, 1943, in Albuquerque, N. Mex., when the automobile which he was driving was struck by a United States Army motor vehicle" and to insert in lieu thereof, "\$400, in full settlement of all claims of the said Fermin Salas against the United States for property damages and personal injuries sustained by him as the result of an accident which occurred on March 16, 1943, when his automobile was struck by an Army reconnaissance car on North Sixth Street, Albuquerque, N. Mex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fermin Salas, Albuquerque, N. Mex., the sum of \$400, in full settlement of all claims of the said Fermin Salas against the United States for property damages and personal injuries sustained by him as the result of an accident which occurred on March 16, 1943, when his automobile was struck by an Army reconnaissance car on North Sixth Street, Albuquerque, N. Mex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE EXPEDITING ACT

The Senate proceeded to consider the bill (H. R. 3054) to amend the Expediting Act, which had been reported from the Committee on the Judiciary with amendments on page 2, line 4, after the word

"immediately", to strike out "sent" and insert "certified"; in line 6, after the word "brought", to insert "which court shall thereupon have jurisdiction to hear and determine the appeal in such case"; in line 21, after the words "reason of", to insert "disqualification"; and on page 3, line 8, to strike out "This amendment shall apply to every case pending before the Supreme Court of the United States on or after the date of enactment of this act", and insert "This act shall apply to every case pending before the Supreme Court of the United States on the date of its enactment."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SEAPLANE CHANNEL AND BASIN IN BOSTON HARBOR, MASS.

The bill (S. 1934) to provide for abandonment of the project authorized in the act of October 17, 1940, for a seaplane channel and basin in Boston Harbor, Mass., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the project for construction of a seaplane channel and basin in Boston Harbor, Mass., authorized in the act of October 17, 1940, is hereby abandoned, such abandonment having been recommended by the Chief of Engineers in a report contained in House Document No. 472, Seventy-eighth Congress.

CITY NATIONAL BANK BUILDING CO.

The bill (S. 1453) for the relief of the City National Bank Building Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is authorized and directed to consider and act upon the claim filed on or about September 27, 1940, by the City National Bank Building Co., of Omaha, Nebr., for a refund of deficiencies in income tax and interest paid by the said company on or about September 16, 1937, with respect to the fiscal years ended October 31, 1933, to October 31, 1936, inclusive, and to make any refund found due the said company, in the same manner and to the same extent as if such claim had been filed within 2 years from the time such income tax and interest were paid and had not heretofore been disallowed; the Supreme Court of the United States having rendered a decision on December 4, 1939, in the case of Helvering against F. and R. Lazarus & Co., which, in effect, overruled the conclusions upon the basis of which such deficiencies were assessed.

The ACTING PRESIDENT pro tempore. That completes the calendar.

REGULATION OF CERTAIN INSURANCE RATES IN THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 1029) to provide for regulation of certain insurance rates in the District of Columbia, and for other purposes, which was, to strike out all after the enacting clause and insert:

That in this act, unless the context otherwise requires—

"District" means the District of Columbia;

"Superintendent" means the superintendent of insurance of the District of Columbia;

"Company" means any insurer, whether stock, mutual, reciprocal, interinsurer, Lloyd's, or any other form or group of insurers;

"Agent" means and shall include any individual, copartnership, or corporation acting in the capacity of or licensed as a "policy-writing agent," "soliciting agent," or "salaried company employee," as defined under section 3, chapter I, of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1064; D. C. Code, 1940 edition, title 35, sec. 1303); and

"Broker" means any person who for a consideration acts or aids in any manner in the solicitation or negotiation on behalf of the assured of contracts of insurance.

Sec. 2. The provisions of this act shall apply to insurance in the District of Columbia against loss of or damage to property or any valuable interest therein by or as a consequence of fire, lightning, tornado, windstorm, and explosion, or any one or more of such hazards, including all supplemental, additional, or extended forms of coverage written in connection with fire insurance, and including any policy which insures property, while it is at a permanent location, against the hazard of fire, lightning, tornado, windstorm, or explosion; but this act shall not apply to ocean marine, transportation, boiler and machinery, or motor-vehicle insurance, nor to insurance covering the property of interstate common carriers, nor to any form of insurance designated by the Superintendent as inland marine insurance.

Sec. 3. The Superintendent is empowered to investigate the necessity for an adjustment of the rates on any or all risks or classes of risks within the scope of this act, and to order an adjustment of such rates whenever he determines, after investigation of the experience showing premiums and losses for a period of not less than 5 years next preceding such investigation, that the rates for any one or more classes of risks are excessive, inadequate, or unreasonable. In determining the necessity for an adjustment of rates, the Superintendent shall give consideration to all factors reasonably attributable to the risks, to the conflagration or catastrophe hazard, both within and without the District, and to a reasonable profit. The Superintendent is also empowered, after investigation, to order removed, at such time and in such manner as he shall specify, any unfair discrimination existing between individual risks or classes of risks.

Any person, firm, or corporation aggrieved by any order, ruling, proceeding, or action of the Superintendent, or any person acting in his behalf and at his instance, may appeal to the Commissioners of the District, or contest the validity of such order, ruling, proceeding, or action in any court of competent jurisdiction by appeal or through any other appropriate proceedings, as provided under sections 44 and 45, chapter II, Public, No. 824, Seventy-sixth Congress, known as the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1082; D. C. Code, 1940 ed., title 35, secs. 1348 and 1349).

Sec. 4. Within 120 days after the approval of this act and under the supervision of the Superintendent, the insurance companies authorized to effect insurance in the District against the risk of loss or damage by hazards within the scope of this act shall organize a rating bureau for the purpose of administering rates for such insurance, and all such companies now or hereafter authorized to transact such business in the District shall be members of such bureau. The government of the rating bureau shall be vested in its members and it shall not be subject to the direction or control of any other bureau, association, corporation, company, individual, or group of individuals. The rating bureau shall have power to establish rea-

sonable agreements and bylaws for its governance, and shall be permitted to adopt reasonable rules and regulations necessary to carry out its functions, but such agreements, bylaws, rules, and regulations shall not be inconsistent with the provisions of this act, and the same and amendments thereto shall be approved by the Superintendent before becoming effective. The rating bureau, subject to the approval of the Superintendent, shall apportion the expenses of its operation among its members in proportion to the premium income on risks in the District.

Sec. 5. No company, agent, or broker shall issue or deliver, or offer to issue or deliver, or knowingly permit the issuance or delivery of, any policy of insurance in the District which does not conform to the requirements approved by the Superintendent: *Provided, however,* That a company may deviate from such requirements if the company has filed with the rating bureau and with the Superintendent the deviation to be applied, and provided such deviation is approved by the Superintendent. If approved, the deviation shall remain in force for a period of 1 year from the date of approval by the Superintendent, unless such approval is withdrawn by the Superintendent for cause after notice to the insurer, or withdrawn by the insurer with the approval of the Superintendent.

It is further provided that a rate in excess of that promulgated by the rating bureau may be charged, provided such higher rate is charged with the knowledge and written consent of the insured and the Superintendent.

Sec. 6. The rating bureau shall keep a record of all rates, schedules, and proceedings. Every agent shall keep a record of every policy contract issued by or through his agency.

Sec. 7. The Superintendent, his deputy, or duly authorized examiner, is authorized and empowered to examine all records of the rating bureau, companies, and agents, and to require every company to furnish statistical reports of premiums and losses in such form and according to such classifications as the Superintendent shall prescribe and any other information which the Superintendent may deem necessary for the administration of this act. The Superintendent may require the rating bureau to consolidate the reports of classified experience.

Sec. 8. No rate, premium, schedule, rating method, rule, bylaw, agreement, or regulation shall become effective or be charged, applied, or enforced in the District by the rating bureau, or by any company, agent, or broker governed by the provisions of this act, until it shall have been first filed with and approved by the Superintendent: *Provided,* That a rate or premium used or charged in accordance with a schedule, rating method, or rule previously approved by the Superintendent need not be specifically approved by the Superintendent. No company, agent, or broker shall issue any form of policy, clause, warranty, rider, or endorsement until such form shall have been filed with and approved by the Superintendent.

Sec. 9. Any company or any agent or broker guilty of violating any of the provisions of this act shall be subject to the provisions of sections 3 and 36, respectively, and as may be amended, of chapter II, Public, No. 824, Seventy-sixth Congress, known as the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1066 and 1079; D. C. Code, 1940 ed., title 35, secs. 1306 and 1340).

Sec. 10. All laws or parts of laws, insofar as they relate to business affected hereby and in conflict with any of the provisions of this act, are hereby repealed.

Sec. 11. Should any section or provision of this act be decided by the courts to be

unconstitutional or invalid, the validity of the act as a whole, or of any part thereof, other than the part decided to be unconstitutional, shall not be affected.

Mr. McCARRAN. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WHITE. Mr. President, will the Senator from Nevada indicate what change the House has made in the Senate bill?

Mr. McCARRAN. The House almost rewrote the bill, putting in certain provisions. After further consideration, the members of the Senate Committee on the District of Columbia, who had charge of the bill here, believed the House provisions made the bill a much better one.

Mr. WHITE. Has the amendment of the House had the consideration of the members of the Senate Committee on the District of Columbia?

Mr. McCARRAN. Yes; it has the consideration of the Committee on the District of Columbia, which had charge of the bill in the first instance.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada that the Senate concur in the House amendment.

The motion was agreed to.

BOOKS FOR THE ADULT BLIND

Mr. BARKLEY. Mr. President, from the Committee on the Library, I report favorably, without amendment, Senate bill 1944, and ask unanimous consent for its present consideration.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1944) to amend the act entitled "An act to provide books for the adult blind."

Mr. BARKLEY. Mr. President, I may state that this is a Senate bill providing for increasing the authorization for the Library of Congress in providing books and other necessary equipment for the blind in the United States. The bill is a very worthy and meritorious measure.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky for the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, as amended, is amended to read as follows:

"That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of \$500,000, which sum shall be expended under the direction of the Librarian of Congress to provide books published either in raised characters, on sound-reproduction records, or in any other form, for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia: *Provided,* That of said annual appropriation of \$500,000, not exceeding \$100,000 thereof shall be expended for books in raised characters, and not exceeding \$400,000 thereof shall be expended for sound-reproduction

records and for the maintenance and replacement of the Government-owned reproducers for sound-reproduction records for the blind. In the purchase of such books, the Librarian of Congress, without reference to section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5), shall give preference to non-profit-making institutions or agencies whose activities are primarily concerned with the blind, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable."

SEC. 2. This act shall be applicable with respect to the fiscal year ending June 30, 1945, and for each fiscal year thereafter.

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, I wish to state for the information of the Senate that it is my purpose to move, in a few minutes, that the Senate take a recess until Monday. So far as I know, there will be no important business to be transacted on Monday. Inasmuch as Tuesday will be Decoration Day, it is not planned to have a session of the Senate on Tuesday. Unless the Senator from Georgia wishes to have the Senate take up the debt limitation bill on Wednesday, it is anticipated that on Monday the Senate will take a recess until Thursday, at which time the O. P. A. extension bill will be ready for consideration by the Senate.

AUTHORITY TO FILE PRELIMINARY REPORT ON LIQUOR INDUSTRY

Mr. McCARRAN. Mr. President, I ask unanimous consent that during the recess which will be taken today until Monday next, the Committee on the Judiciary, or a subcommittee thereof, acting under Resolution 206 of the Senate, be permitted to file with the Senate its preliminary report on the liquor industry in the United States.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States, which were referred to the appropriate committees.

(For nominations this day received, and nomination withdrawn, see the end of Senate proceedings.)

GRADUATING CLASS AT UNITED STATES MILITARY ACADEMY

Mr. CHANDLER. Mr. President, from the Committee on Military Affairs I report the nominations of the graduates in this year's class at the United States Military Academy, and I ask for immediate confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WHITE. Mr. President, I take it this is simply a routine matter. In due

course anyway these men will be given their commissions?

Mr. CHANDLER. Yes.

Mr. WHITE. I see no reason for objecting to confirmation of the nominations at this time.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the list of nominations of graduates from the United States Military Academy at West Point.

Mr. CHANDLER. I ask unanimous consent that the nominations be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the nominations? The Chair hears none. Without objection, the nominations are confirmed en bloc.

Mr. CHANDLER. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

By Mr. CHANDLER, from the Committee on Military Affairs:

The following named officers for appointment as brigadier generals in the Regular Army, with rank from September 1, 1943:

Lt. Gen. Brehon Burke Somervell (colonel, Corps of Engineers), Army of the United States, vice Brig. Gen. Henry C. Pratt, appointed major general, Regular Army.

Lt. Gen. Joseph Taggart McNarney (colonel, Air Corps), Army of the United States, vice Brig. Gen. Walter K. Wilson, appointed major general, Regular Army.

Lt. Gen. George Churchill Kenney (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States, vice Brig. Gen. Ernest D. Peek, appointed major general, Regular Army.

Lt. Gen. Carl Spaatz (brigadier general, Assistant to the Chief of the Air Corps), Army of the United States, vice Brig. Gen. Frederic H. Smith, appointed major general, Regular Army.

Lt. Gen. Omar Nelson Bradley (lieutenant colonel, Infantry), Army of the United States, vice Brig. Gen. Philip B. Peyton, appointed major general, Regular Army.

Lt. Gen. Ira Clarence Eaker (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States, vice Brig. Gen. Adna R. Chaffee, appointed major general, Regular Army.

Lt. Gen. Millard Fillmore Harmon (colonel, Air Corps), Army of the United States, vice Brig. Gen. Clement A. Trott, retired.

Lt. Gen. Robert Lawrence Eichelberger (colonel, Infantry), Army of the United States, vice Brig. Gen. Delos C. Emmons, appointed major general, Regular Army.

Maj. Gen. Thomas Troy Handy (lieutenant colonel, Field Artillery), Army of the United States, vice Brig. Gen. Edmond L. Daley, retired.

Maj. Gen. Walter Bedell Smith (lieutenant colonel, Infantry), Army of the United States, vice Brig. Gen. Joseph M. Cummins, retired; and

Lt. Gen. Mark Wayne Clark (lieutenant colonel, Infantry), Army of the United States, vice Brig. Gen. John N. Greely, retired.

Lt. Gen. Jonathan Mayhew Wainwright (brigadier general, U. S. Army), Army of the United States, to be major general in the

Regular Army, with rank from August 31, 1943, vice Maj. Gen. Walter S. Grant, retired;

Lt. Gen. Joseph Warren Stilwell (brigadier general, U. S. Army), Army of the United States, to be major general in the Regular Army, with rank from September 1, 1943, vice Maj. Gen. Walter C. Short, retired;

Lt. Gen. Brehon Burke Somervell (colonel, Corps of Engineers), Army of the United States, to be major general in the Regular Army, with rank from September 3, 1943, vice Maj. Gen. Ernest D. Peek, retired;

Lt. Gen. Joseph Taggart McNarney (colonel, Air Corps), Army of the United States, to be major general in the Regular Army, with rank from September 4, 1943, vice Maj. Gen. Daniel Van Voorhis, retired;

Brig. Gen. Frank Thomas Hines, Inactive Reserve, who resigned his commission as brigadier general, Regular Army, after more than 15 years of military service, and who subsequently served for a period of more than 15 years as Director of the Veterans' Bureau and as Administrator of Veterans' Affairs, to be brigadier general in the Regular Army, with rank from March 10, 1944, under the provisions of law;

Sundry officers to be first lieutenants in the Regular Army, Medical Corps, under the provisions of law, with rank from the date of appointment;

Sundry officers for promotion in the Regular Army, under the provisions of law;

Sundry officers for appointment, by transfer, in the Regular Army;

Kenneth H. McGill for appointment as chief statistician in the Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940. (Compensation to be paid Mr. McGill will be \$6,500 per annum);

Frank D. Rash for appointment as State director of selective service for Kentucky, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended. (Compensation for the office of the State director of selective service for Kentucky will be at the rate of \$5,600 per annum); and

Louis A. Boening for appointment as assistant State director of selective service for Illinois, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940. (Compensation for the office of the assistant State director of selective service for Illinois will be at the rate of \$5,600 per annum.)

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

THE NAVY

The legislative clerk read the nomination of Matthias B. Gardner, to be rear admiral in the Navy, for temporary service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Marc A. Mitscher, to be vice admiral, for temporary service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John H. Hoover, to be vice admiral, for temporary service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George T. Owen, to be commodore, for temporary service, to continue while serving as commander, Fleet Air Wing Fifteen, and commanding officer, naval air station, Port Lyautey.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask that the nominations in the Marine Corps be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

That completes the Executive Calendar.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 35 minutes) the Senate took a recess until Monday, May 29, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 25 (legislative day of May 9), 1944:

FEDERAL POWER COMMISSION

Leland Olds, of New York, to be a member of the Federal Power Commission for the term expiring June 22, 1949. (Reappointment.)

APPOINTMENTS IN THE REGULAR ARMY

The following-named cadets, United States Military Academy, who are scheduled for graduation on June 6, 1944, for appointment in the Regular Army of the United States, under the provisions of sections 23 and 24e of the National Defense Act, as amended:

To be second lieutenants with rank from June 6, 1944

CORPS OF ENGINEERS

Henry Spiess Aurand, Jr.
Joseph Philip Barnes
Albert Lambert Bethel
John Pierre Bradley
Albert Quincy Brooks
Jack Brown Bruno
Jerry George Capka
John Henry Carlson
John Gould Cleveland
Robert Bruce Codling
Robert Warren Conant
Kenneth Banks Cooper
John Holloway Cushman
Albert Guy Dancy
Charles Junior Davis
Robert Sherwood Day
Edwin Radford Decker
Keith Edward Eller
Richard Erlenkotter
Franklin Oliver Forthoffer

John Edward Glab
William Byron Graham
Ernest Graves, Jr.
Walter Allen Guild, Jr.
Francis Joseph Hale
Roger Joseph Hendrick
John Welsh Howell
John William Huling
Donald Clarence Ingram
James Irvine, Jr.
Andrew King Keller
John Franklin Kimbel
Erwin Howard Kleist
Dallas Loyd Knoll, Jr.
Jean Belair LaMarre
Bryan Henry Leeper
Kermit Orville Lindell
Alexander Morton Maish
Arthur Roy Marshall
Howard Charles Metzler
Franklin Boyd Moon
Arthur Derry Nelson
Robert Tharp Nixon
Edwin Thomas O'Donnell
Robert Boyd Robinson
Robert Morris Rodden
Beverly Carradine Snow, Jr.
William Frederic Spalding
Charles Lowndes Steel, Jr.
Otto William Steinhart
John James Tkackl
William Milner Wallace, Jr.
Alan Evans Weston
James Todd White, Jr.

SIGNAL CORPS

Oliver George Becker
Lawrence Frank Ciszewski
Howard Kaplan
Vernon Everett Robbins
James Franklin Scoggin, Jr.
Donald Foster Thompson

CAVALRY

Frank Errette Cash, Jr.
Richard Mansur Cowherd
Alva J. Forsythe
John Stapleton Howland
Edward Worthington Samuell, Jr.
Stephen Harrison Smith

FIELD ARTILLERY

Wendell Glen Allison
Roald Max Andresen
James Tuttle Bartley
James Thomas Blandford, Jr.
George Bellinger Brown, Jr.
Harry Archer Buzzett
Jelks Henry Cabaniss, Jr.
James Boniface Campbell
Edward Charles Christl, Jr.
Joseph Frederick Hughes Cutrona
Clarence Wilfred Cyr
Eugene Alex Dabrowski
Robert Clinton Dart
Harold Griswold DeArment
Dale Denman, Jr.
John Benedict Desmond
Wilfred LaVern Dondanville
James Wilkie Dunham
Thomas Francis Flynn, Jr.
Henry Minton Francis
Douglas Warren Gallez
Robert Neville Ginsburgh
Henry Augustus Grace
Fielding Lewis Greaves
John Louis Grimmelson
Donald Alfred Gruenther
Douglas Lee Harris
Walter Rawlins Harris
George Robert Hayman, Jr.
John Livermore Hazen, Jr.
Saul Aaron Jackson
Wilbur Leonard Kahn
Leo Douglas Kinnard
Archer Lynn Lerch, Jr.
Rodney Walter Lindell
Dennis Philip McAuliffe
Alfred Mudge McCoy, Jr.
Thomas Joseph McGuire, Jr.
Gerald St. Claire Mickle, Jr.
Thomas Edward Moore, Jr.

Robert McClellan Mummey
Robert Houstoun Murphy
William Best Murray
Richard Nalle
Patrick McAlester Neilond
James Kenneth O'Brien
David Ewing Ott
Elton Caron Parker
Robert White Parks
Nels August Parson, Jr.
Robert McIntyre Pearce
Dee William Pettigrew, Jr.
Jack Murph Pollin
Robert Paul Reagan
Robert Warren Samuel
Dorsey Daniel Schaper
Ralph Anthony Scolla
Norman Cornelius Shepard, Jr.
William Madison Shirey
Harold Blackwood Sloan
Robert Alexander Smith
Winfield Scott Solomon 3d
John Case Trimmer
Anthony Jack Vitullo
Alvin Miles Wald
Richard Samuel Ware, Jr.
Mason James Young, Jr.

COAST ARTILLERY CORPS

James Bradshaw Adamson
Leslie Edwards Babcock, Jr.
DeRosey Carroll Cabell, Jr.
Leslie Griffin Callahan, Jr.
Robert Mitchell Cowherd
Edward Basilio DiNapoli, Jr.
Edward Johnson Dravo
George Harold Farne
Grey Fitzpatrick
John William Gaffney
Robin Schofield Kendall
Mark Joseph Klein
Henry Caleb Lindsey
John Francis Mangan
John Francis Xavier McArdle
William Thomas Miller
Robert Stephen Mills
George Steve Pappas
John Thornton Peterson
Robert Gist Pickens
Robert Kelly Routh
Robert Nicholas Rudelic
Bruton Burke Schardt
Robert Francis Shannon
John Mills Simmons
Leonard Henderson Sims, Jr.
William Benjamin Tuttle, Jr.
James Wesley Weathers, Jr.
Grady Olan White

INFANTRY

Edwin Moriel Aldrich
Peter Williams Alquist
Theodore John Altier
Raymond Adelbert Auringer, Jr.
Frederick Harry Black, Jr.
George Samuel Blanchard, Jr.
Pierre Bontecou
Wilson Norton Boyles, Jr.
John Bernard Brady
Dean Michael Bressler
Harry Grandy Brickhouse, Jr.
John Wesley Brown, Jr.
Henry Hastings Burnett
William Edward Burr 2d
John Wisdom Carley
Doniphan Carter
Randolph Jefferson Cary
Duncan Dixon Clore
Warren Sanderson Conlon
James Maguire Connell
Francis Allyn Cooch 3d
Robert Charles Daly
Charles David Daniel
Chalmer Lee Deeter, Jr.
Andrew James DeGraff
Armond DiSilvio
John Willson Donaldson
James Shepard Douglas
Robert Evans Drake
Oscar Eugene Duttweiler, Jr.
John Sheldon Doud Eisenhower
Paul Caspar Emley

William Francis Enos
 John Robert Flynn
 Nicholas Anthony Fuller
 James Bascom Giles, Jr.
 Abraham Merton Glass
 Raymond Lee Gordon, Jr.
 Philip Schuyler Grant
 Leslie Harrison Halstead
 Arthur Linton Handley, Jr.
 Wilson Clark Harper
 Harold Ira Hayward
 John Joseph Hennessey
 Edward Heacock Hibbard
 Ralph Carl Hollstein
 Louis William Howe
 Robert Henry Hurst
 Arthur Siegmar Hyman
 Leverett Norton Jenks
 Charles Spurgeon Johnson, Jr.
 Henry Sweet Jones, Jr.
 William Charles Jones 3d
 Frederick John Keifer, Jr.
 William Clark Kennedy
 Henry Paul Kutchinski, Jr.
 Thomas Edward Lawrence
 James Richard Lynch
 Donald Gribble MacWilliams
 Frank Cadle Mahin, Jr.
 Thomas Owen Mahon
 Simon Seelig Marks
 Willard Ainsworth Marks
 Max Lawrence Marshall
 Charles Coleman Martin, Jr.
 Robert Taylor Martin
 Alfred Stewart McCorkle, Jr.
 Bernard Edward McKeever, Jr.
 James Thomas Milam
 Edgar Norman Millington
 Clarence Andrew Mitchell, Jr.
 Cornelius John Molloy, Jr.
 Frank Edward Moore, Jr.
 Wallace James Moulis
 Steve Watson Mulkey, Jr.
 Maxwell Cole Murphy, Jr.
 Michael Edward Nicoletti
 George Buford Norman
 Charles Byers Nye
 Alan Lyon Partridge
 Richard King Patch
 James Joseph Patterson
 Oliver Beirne Patton
 Carl Leroy Peterson, Jr.
 Paul Washington Phillips
 Thomas Oakley Phillips, Jr.
 George Edward Pickett 4th
 John Christopher Pile
 Kern Phillips Pitts
 Howard Wade Richards
 Dixon Carle Rogers
 Harry Lovejoy Rogers 3d
 Robert Warren Seiton
 Joseph Richards Shelton, Jr.
 David Linton Silver, Jr.
 Frederick Adair Smith, Jr.
 Walter Hugh Snelling
 Bruce Ingle Staser
 James Harvy Stewart
 William McGregor Stowell
 Robert Homer Strecker
 John Stephen Sullivan, Jr.
 Thomas McKee Tarpley
 William Neely Todd 3d
 Philip Barrett Toon
 Donald Edgerton Tripp
 Corbie Ralph Truman
 Larkin Smith Tully
 George Albert Tuttle
 Luther Daniel Wallis, Jr.
 Frank Edward Walton, Jr.
 George Elmer Wear
 John Thomas Wells 3d
 Robert Rogers Wessels
 William Blackburn White 4th
 Harold Langford Wilhite
 Candler Asbury Wilkinson, Jr.
 Clarence Emanuel Wolfinger, Jr.
 Andrew Woloszyn
 David Perry Wood, Jr.
 David Zillmer

QUARTERMASTER CORPS

Lorin Russell Klinge

CHEMICAL WARFARE SERVICE

William Bell 3d
 Alexander Carver Bridewell, Jr.
 John Tyler Elliott

ORDNANCE DEPARTMENT

E. Paul Anderson
 Charles Roscoe Howland Bootz
 Lindley Corydon Ellis
 Hiram Baldwin Ely, Jr.
 Alfe Levando Francis Erickson
 Charles Francis Frock
 Gerald Dean Hall
 Robert Odell Harper
 Gerson Kirkland Heiss, Jr.
 Roy Albert Hoffman
 Joseph Wesley Losch
 William John Nelson
 Joseph Carlton Petrone, Jr.

AIR CORPS

Robert Louis Algermissen
 Carl Bayard Anderson, Jr.
 Winston Paine Anderson
 Randolph Hutchinson Andrews
 Luther Erwin Armstrong, Jr.
 Robert Hawkins Armstrong
 Noel Degner Austin
 Roy Andrew Bahls
 William Albert Baker
 James Ross Bandy, Jr.
 Lloyd Barnett, Jr.
 Theodore John Bartz
 Henry Shaw Beukema
 Arthur Peter Bick, Jr.
 William Lane Bingham
 David Blake
 John Boning
 Heath Bottomly
 Harold Knight Boutwell
 William Francis Bradley
 Paul Bradshaw, Jr.
 Robert Paul Bright
 Robert Graham Brotherton
 George Andrew Brown
 Robert Henrik Brundin
 William Robert Buckley, Jr.
 Hugh Robert Burns, Jr.
 Gordon Emmons Burrell
 John Davis Calhoun
 Eugene Francis Callaghan
 Robert Brown Callan
 William Sidney Chandler
 William Edward Charlson
 Geoffrey Cheadle
 Lawrence Locke Clayton, Jr.
 Clifford Dixon Coble
 John William Combs
 William Taylor Courtney
 James Oliver Cowee
 Richard Lawrence Creed, Jr.
 Dean Garland Crowell
 James Richard Cumberpatch
 Andrew Joseph Cupper
 Charles Harold Czapar
 George Arthur Davis, Jr.
 Bruce Keeley Deakin
 Lyall Davies de la Mater, Jr.
 Richard Llewellyn Dennen
 James Albert Downs, Jr.
 Ray Aloysius Dunn, Jr.
 Alan Clifford Edmunds
 Harold Robert Emerson
 Robert William Faas
 William Herman Fairbrother
 Stephen Adam Farris, Jr.
 David Edwards Fitton, Jr.
 Richard Bernard Fowler
 William Charles Fullilove
 Louis George Gamble
 Theodore Hess Geltz
 Frederick William Gerhard, Jr.
 James Cruden Gerhards
 Frederick Banks Gervais
 John Russell Geyer
 Channing Wallace Gilson
 Gregg F. Glick

William Harry Goes
 Noble Franklin Greenhill, Jr.
 Edgar Willis Gregory 2d
 Paul James Hamm
 William Robert Hammond
 John Warren Hanley
 Glen Roger Hempleman
 Frank David Hendersen, Jr.
 William Justus Henderson
 Leslie H. Hendrickson, Jr.
 Francis Benedict Hennessy
 Sam Dowty Hesse
 Leo Hinkey
 George Earl Hoffman, Jr.
 Harlan Ware Holden, Jr.
 Thomas Byron Hoxie
 William Johnston Humma
 Robert Dorrance Ingalls, Jr.
 George Lyman Ingersoll
 Quitman Bellinger Jackson, Jr.
 Raymond Janeczak
 John Nettleton Johnson 3d
 Louis Verne Jones, Jr.
 Paul Jones, Jr.
 Charles Jay Keathley
 John Peyton Kincaid
 John Creighton King
 John Oscar Lamp
 Daniel Pryor Lee
 John Travis Lisenby, Jr.
 Thomas James Lynn
 Thomas Edmund Mahoney, Jr.
 George Emmett Maxon, Jr.
 Martin Everett McCoy, Jr.
 John Octavius McElvey 2d
 William Claude McGlothlin, Jr.
 Arthur Joseph McLean
 John Richard McPherson
 Francis Ellis Merritt, Jr.
 Malcolm Pitzer Mickelwait
 William Henry Milnor
 Odie David Minatra, Jr.
 Evarice Camille Mire, Jr.
 James Gregory Monihan, Jr.
 John Peter Moore
 John Tardy Moore, Jr.
 Wallace Daniel Moore
 Robert Eugene Morrison
 Robert Amos Mortland
 Hollis LeRoy Mulier, Jr.
 Charles Harris Mullin
 Edward Conley Murphy
 Gerard Francis Murphy
 Casimir Myslinski
 Ivan Windingland Nealon
 James Richard Nelson
 Marshall Emerson Nolan
 Lewis Sheppard Norman, Jr.
 Aloysius Arthur Norton
 James Harvey O'Connor
 Duncan Palmer
 Munson Hackett Pardee
 William Earl Peugh
 Frederick Brenton Porter, Jr.
 Val Edward Prah
 Lloyd Randolph Pugh, Jr.
 Thomas Ben Ragland, Jr.
 Owen Thornton Reeves
 Ralph Leach Rhodes
 Robert Stafford Rivers
 John Nicholas Robinson, Jr.
 Robert Louis Royem, Jr.
 Lester LeRoy Salzer
 Charles William Sampson
 John Sanders
 Corydon Fargo Schellenger
 Robert Carey Sellers, Jr.
 Robert Milton Shoemaker
 Carleton Paul Smith, Jr.
 Drew Merritt Smith
 Foster Lee Smith
 Bernard Sohn
 Edward Schuyler Stahl
 Eugene Quirn Steffes, Jr.
 William Elbert Steger
 John Clarence Stevens
 William Randolph Sullivan
 John Leon Susott
 George Van Swearingen

Howard Hamlet Symons
Howard Nelson Tanner, Jr.
Pierre Anthony Tisdale
Robert Chester Tompkins
Donald Charles Vogler
William Henry Walters
Joseph Raymond Waterman
John Gordon Weir
John Martin Werner, Jr.
Carlyle Fairfax Whiting
William Edward Wightman
John Gordon Williams, Jr.
Louis Andrew Wilson, Jr.
Melville Brooke Withers
Graham Castel Woodlaw
Robert Charles Zott

IN THE MARINE CORPS

The following-named midshipmen to be second lieutenants in the Marine Corps from the 7th day of June 1944, in lieu of appointment as ensign in the Navy as previously nominated and confirmed:

William L. McCulloch
Robert J. McDevitt
Sumner A. Vale

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

James J. Sharum, Walnut Ridge, Ark., in place of C. C. Snapp. Incumbent's commission expired June 23, 1942.

CALIFORNIA

Letha L. Ford, Oceano, Calif., in place of D. M. Montgomery, resigned.
Wallace J. Carter, Pismo Beach, Calif., in place of J. R. Simmons, resigned.

DELAWARE

Joseph Harper Cox, Seaford, Del., in place of J. H. Cox. Incumbent's commission expired June 23, 1942.

HAWAII

Charlotte M. Keala, Kamuela, T. H., in place of D. C. Pang, resigned.

IDAHO

Letitia I. Glasby, Athol, Idaho. Office became Presidential July 1, 1943.

ILLINOIS

Samuel L. Florest, Bellwood, Ill., in place of J. R. Engleman, resigned.
Daniel E. Brown, Crossville, Ill., in place of H. O. Given, transferred.
Michael Shannon, Johnston City, Ill., in place of R. C. Patterson, transferred.

KANSAS

Julia E. Clouston, Ness City, Kans., in place of C. M. Cook, resigned.

MARYLAND

Norman E. Ward, Rockville, Md., in place of G. L. Edmonds, deceased.

MASSACHUSETTS

Irene S. Leary, East Pepperell, Mass., in place of T. J. Drummey, retired.

MISSOURI

Harry M. Ward, Canton, Mo., in place of F. F. Page, deceased.

William W. Bledsoe, East Prairie, Mo., in place of K. E. Jackson, resigned.

Raymond E. McCause, Mount Vernon, Mo., in place of Robert Stemmons, resigned.

NEBRASKA

Lola M. Aufdengarten, Arthur, Nebr., in place of O. D. Adkins, transferred.

NEW YORK

Charles W. Craig, Binghamton, N. Y., in place of M. L. Sullivan, deceased.

NORTH CAROLINA

Hazel A. Valentine, Nashville, N. C., in place of J. K. Bridges, Sr., removed.

Wiley E. Dunn, Williamston, N. C., in place of L. T. Fowden, resigned.

NORTH DAKOTA

Gladys S. Dunn, Center, N. Dak., in place of S. J. Dunn, resigned.

OKLAHOMA

Estella C. Lacy, Kingston, Okla. Office became Presidential July 1, 1943.

PENNSYLVANIA

Edward A. Schoeffel, Evans City, Pa., in place of C. R. Wahl, resigned.
Robert Stanley Davis, Kimberton, Pa. Office became Presidential July 1, 1943.
Dorothea B. Wright, Morton, Pa., in place of G. G. Makens, resigned.

SOUTH CAROLINA

William B. Gillespie, Effingham, S. C. Office became Presidential July 1, 1943.

SOUTH DAKOTA

Jane Dunn, Elkton, S. Dak., in place of J. E. Dunn, deceased.

VIRGINIA

William W. Argabrite, Blacksburg, Va., in place of J. H. Woolwine, retired.

WISCONSIN

Norman L. Adams, Hancock, Wis., in place of R. E. Caves, transferred.
Grace A. Johnson, Merrimack, Wis. Office became Presidential July 1, 1943.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25 (legislative day of May 9), 1944:

IN THE ARMY

APPOINTMENTS IN THE REGULAR ARMY

The following-named cadets, United States Military Academy, who are scheduled for graduation on June 6, 1944, for appointment in the Regular Army of the United States, under the provisions of sections 23 and 24e of the National Defense Act, as amended:

To be second lieutenants with rank from June 6, 1944

Henry Spiese Aurand, Jr., et al.

(NOTE.—A full list of the names of the cadets graduating from the United States Military Academy, whose nominations to be second lieutenants in the Regular Army were confirmed today, may be found under the caption "Nominations" at the close of the Senate proceedings in the CONGRESSIONAL RECORD for today.)

IN THE NAVY

TEMPORARY SERVICE

Matthias B. Gardner to be a rear admiral in the Navy, to rank from July 19, 1943.

Marc A. Mitscher to be a vice admiral in the Navy, to rank from March 21, 1944.

John H. Hoover to be a vice admiral in the Navy, to rank from January 1, 1943.

George T. Owen to be a commodore in the Navy, to continue while serving as commander, Fleet Air Wing Fifteen, and commanding officer, naval air station, Port Lytauey.

IN THE MARINE CORPS

REGULAR SERVICE

To be second lieutenants

Whitman S. Bartley	Coburn Marston
George A. Phillips	Lawrence F. Snoddy, Jr.
George P. Blackburn, Jr.	David A. Brewster
Wray C. Lewis	Clifford R. Buys
Philip H. McArdle	Burtis W. Anderson

POSTMASTERS

ALASKA

S. David Mazen, Nome.

CALIFORNIA

Augustine P. Madrid, Jamestown.
Clifford E. Hammon, Los Gatos.

GEORGIA

Viola Browning, Arco.
Thomas C. Conley, Blairsville.
Leon M. Bleckley, Clayton.

IDAHO

Betty G. More, Bayview.

ILLINOIS

Michael C. Appleman, Atkinson.
Walter H. Powers, Cambridge.
Valentin W. Streit, Eola.
Walter J. Holt, Hanna City.
Percy E. Bail, St. Elmo.
Joseph B. Casassa, Spring Valley.

INDIANA

Harry W. Ohming, Michigan City.
Elsie E. Mitchell, Sweetsters.
James L. Wall, Winchester.

KANSAS

Sarah Zoe Alley, Derby.
Thomas J. McCarthy, Lansing.
Dorothy E. Stewart, Nashville.
Hudson O. Turner, Portis.
Iona F. Helmke, Zenda.

MISSOURI

Edna J. Donaldson, Diamond.
James P. Payne, Gilliam.
Ernest A. Hisle, Miami.
Albert R. White, Nelson.
Lou A. Kaylor, Shelbyville.
Maude Dahl, Tipton.

NEBRASKA

Edith E. White, Du Bois.
George W. White, Fairmont.

NEW MEXICO

Edward L. Manson, Clovis.

NORTH CAROLINA

Alvah Early, Ahoskie.
Russell Best, Calypso.

VIRGINIA

Dennis L. Good, McGaheysville.

WEST VIRGINIA

Donal E. Woods, Cowen.
Seba J. Martin, Shinnston.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 25 (legislative day of May 9), 1944:

POSTMASTER

NEW YORK

Harry S. Hickey, Jr., Fredonia, N. Y.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 25, 1944

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou unto whom the darkness and the light are both alike, lead us unto Thee by our joys and by our sorrows; forgive our misinterpretation of Thy purpose, though painful and hard for us to understand. As this world of contention fails to renew the sinews of our hope and cheer, inspire us with an espousal of that cause that cannot fail: "One flag, one land, one heart, one hand, one Nation evermore."

Amid all tests that wring the soul, take from our hearts weary doubts, misgivings and suspicions which destroy the